



Department of Justice  
Canada

Ministère de la Justice  
Canada

s.21(1)(a)

s.21(1)(b)

FOR INFORMATION

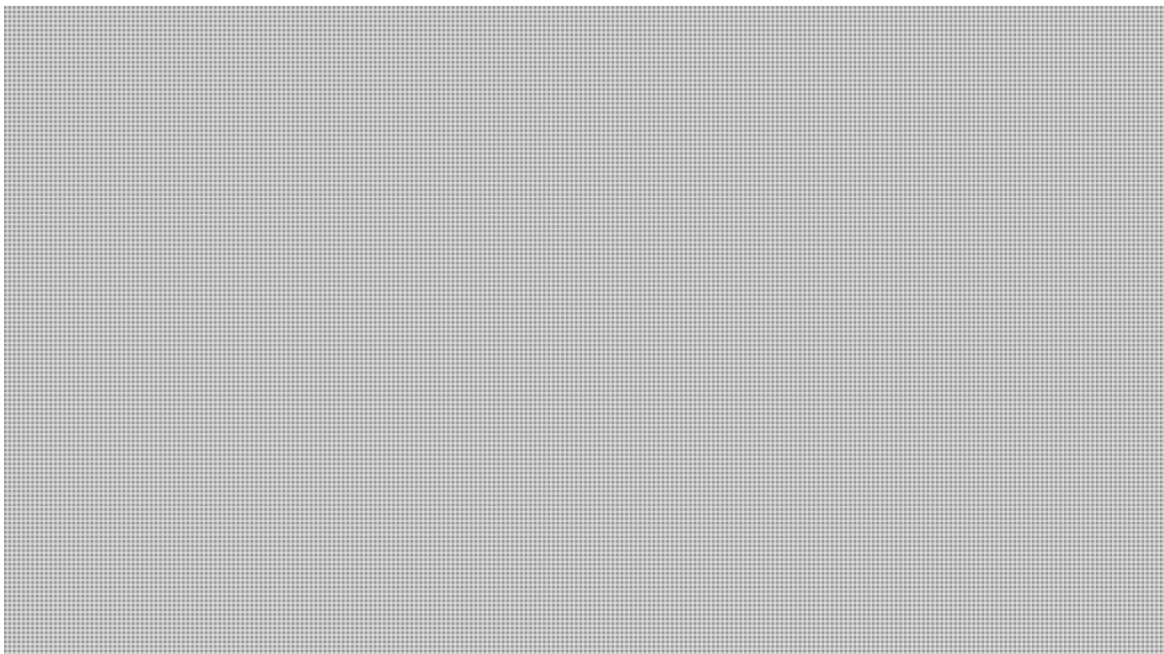
NUMÉRO DU DOSSIER/FILE #: 2016-016346

COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: Protected B

**TITRE/TITLE: Meeting with the Chief Justice of Ontario, George R. Strathy**

**SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY**

- You are scheduled to have a courtesy meeting with the Honourable George R. Strathy on August 3, 2016, at 4:00 p.m.
- Chief Justice Strathy was first appointed to the Superior Court of Justice in Toronto in 2007, where he presided over civil, class action, and criminal matters until his elevation to the Court of Appeal on April 25, 2013. On June 13, 2014, he was appointed Chief Justice of Ontario. A brief biography is attached at Annex 1.



- Talking points for this meeting are attached at Annex 2.

Soumis par (secteur)/Submitted by (Sector):

Public Law and Legislative Services Sector

Responsable dans l'équipe du SM/Lead in the DM Team:

Caroline Leclerc

Revue dans l'ULM par/Edited in the MLU by:

Stephanie Matte

Soumis au CM/Submitted to MO: August 2, 2016

# ANNEX 1

## PM ANNOUNCES ONTARIO JUDICIAL APPOINTMENT

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Ottawa, Ontario - 13 June 2014

Prime Minister Stephen Harper today announced the following appointment:

**The Honourable George R. Strathy**, a Judge of the Court of Appeal for Ontario, is appointed Chief Justice of the Court of Appeal for Ontario, to replace Mr. Justice W. Winkler who retired effective December 10, 2013.

Mr. Justice Strathy was appointed a Judge of the Court of Appeal for Ontario in April 2013. Prior to that, he served for five years as a Judge of the Ontario Superior Court of Justice in the Toronto Region, dealing with civil and criminal matters as well as class actions. Immediately prior to his appointment, he was a partner with Strathy & Isaacs in Toronto, where he specialized in civil litigation, with particular emphasis on maritime and transportation law. He has also practised with the firms of MacKinnon, McTaggart, Campbell Godfrey and Lewtas, as well as Fasken Martineau Walker.

Prior to his appointment, he was an active member of the Canadian Bar Association, the Canadian Maritime Law Association, the Canadian Association of Maritime Arbitrations and the Association of Average Adjusters of Canada. He is the author of *The Law and Practice of General Average in Canada* and *The Law and Practice of Marine Insurance in Canada*.

Mr. Justice Strathy received a Bachelor of Arts from McGill University in 1970. He completed a Master of Arts in International Relations in 1971 and a Bachelor of Laws in 1974, both from the University of Toronto. He was admitted to the Bar of Ontario in 1976.

This appointment is effective immediately.

# ANNEX 2



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## Talking Points

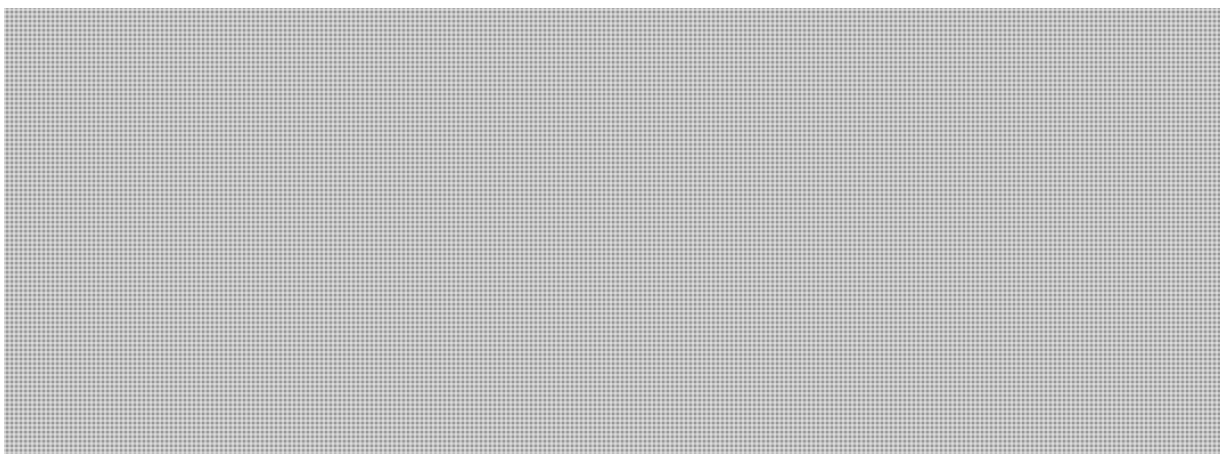
### Meeting with the Honourable George R. Strathy Chief Justice of Ontario August 3, 2016, 4:00 p.m.

- I am delighted to have the opportunity to meet with you and hear first-hand about your work managing Canada's largest judicial system.
- I regret that I am not able to meet with every Chief Justice regularly to hear directly about the issues of concern to them. While the meetings with the Canadian Judicial Council provide valuable opportunities to discuss issues of collective concern to Chief Justices, these cannot replace direct interactions.

*RESPONSIVE:*

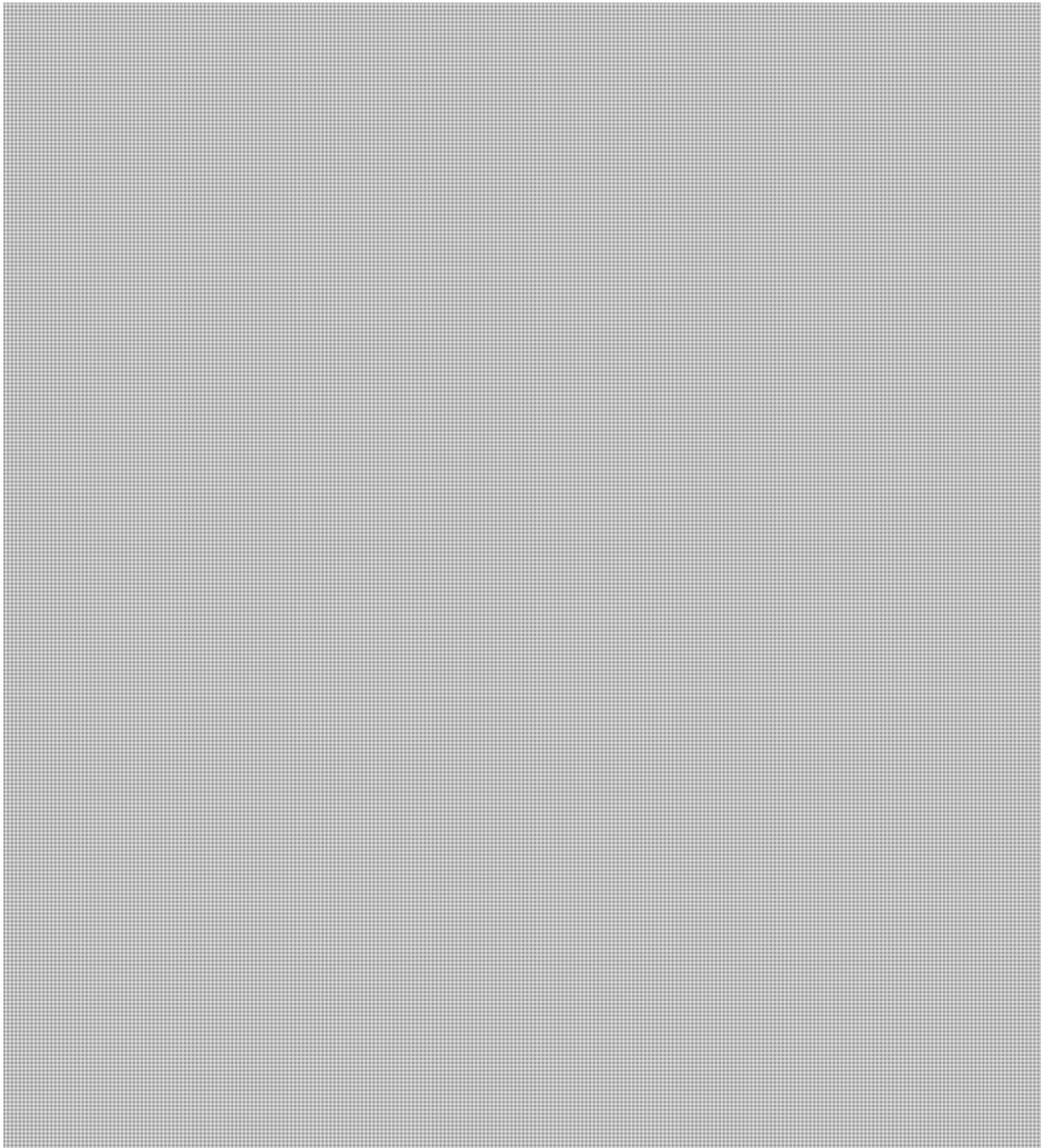
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NUMÉRO DU DOSSIER/FILE #: 2016-016077

COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: Protected B

**TITRE/TITLE: Analysis of Private Member's Bill C-510 from the Previous Parliament**

**SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY**

- Your office has requested an analysis of former Private Member's Bill C-510, introduced by Marc Garneau, M.P. (Liberal), in the House of Commons on May 10, 2013. It proposed to amend the *Criminal Code* to create a new hate crime of mischief against certain kinds of property.
- Bill C-510 responded to calls for a new offence of mischief committed in relation to property, such as an educational institution or a community centre, playground, arena or sports centre motivated by bias, prejudice, or hate based on religion, race, colour, national or ethnic origin, sex, language, or sexual orientation.
- Although reinstated on October 16, 2013, after prorogation, Bill C-510 did not progress beyond First Reading and died on the Order Paper when the federal election was called.

Soumis par (secteur)/Submitted by (Sector):

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Soumis au CM/Submitted to MO: August 3, 2016



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2016-016077

## MEMORANDUM FOR THE MINISTER

### Analysis of Private Member's Bill C-510 from the Previous Parliament

#### ISSUE

This memorandum provides an analysis of former Private Member's Bill C-510, *An Act to amend the Criminal Code (mischief)*, introduced by Marc Garneau, M.P. (Liberal), on May 10, 2013, but was never debated before it died on the Order Paper.

#### BACKGROUND

Bill C-510 proposed to amend section 430 of the *Criminal Code* to create a new offence of mischief committed in relation to property such as an educational institution, including a daycare centre, college or university, or a community centre or playground—where “motivated by bias, prejudice or hate based on religion, race, colour, national or ethnic origin, sex, language or sexual orientation”. The maximum punishment proposed was ten years imprisonment.

Bill C-510 sought to supplement the specific mischief offence found in subsection 430(4.1) of the *Criminal Code*, which captures mischief to property that is primarily used for a religious purpose where the commission of the offence is motivated by bias, prejudice or hatred based on religion, race, colour, or national or ethnic origin. Various organizations have advocated for the enactment of this kind of law, such as B'nai Brith Canada, the Canadian Human Rights Commission, the Canadian Jewish Congress, and, more recently, the Centre for Israel and Jewish Affairs.

Earlier versions of Bill C-510 were introduced as Bill C-384 on November 22, 2006, by Carole Freeman, M.P. (Bloc Québécois), and as Bill C-451 on October 1, 2009, by Marlene Jennings, M.P. (Liberal). Bill C-451 was identical to Bill C-510. All Bills died on the Order Paper.

#### *Analysis of Bill C-510*

Annex 1 provides a side-by-side comparison of existing subsection 430(4.1) of the *Criminal Code* as well as amendments proposed by former Bills C-384 and C-510.

The proposed hate crime of mischief, included in Bill C-510, is different from the offence of mischief to property that is primarily used for a religious purpose (subsection 430(4.1) of the *Criminal Code*) in two ways. It would have applied to non-religious property such as educational institutions, community centres, daycares, playgrounds, arenas or sports centres, and social or cultural institutions. It would have also captured a broader range of hate motivations, since it would have included the criteria of sex, language, and sexual orientation. However, the penalty for the offence proposed in Bill C-510 would have been the same as for that in subsection 430(4.1)—a maximum sentence of ten years imprisonment.



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While Bill C-510 proposed to add a new subsection 430(4.11) following immediately after subsection 430(4.1), it should be noted that a new subsection 430(4.11) in the *Criminal Code* was subsequently enacted in 2014 which addressed a mischief of a different nature.<sup>1</sup>

The substance of former Bill C-510 is similar to former Bill C-384 introduced by Carole Freeman, M.P. (Bloc Québécois), in 2006. However, former Bill C-384 would have targeted only mischief against the property of an “identifiable group”, as that expression was defined at that time in subsection 318(4) of the *Criminal Code* as: “any section of the public distinguished by colour, race, religion, ethnic origin or sexual orientation”.

Moreover, since 2006, the definition of “identifiable group” in subsection 318(4) of the *Criminal Code* has been expanded. It was amended by the *Protecting Canadians from Online Crime Act*, S.C. 2015, c.31, and is now defined as “any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation or mental or physical disability”.

Bill C-16, *An Act to amend the Canadian Human Rights Act and the Criminal Code*, that you introduced on May 17, 2016, proposes to add the criteria of gender identity and gender expression to the definition of “identifiable group”.

<sup>1</sup> Private Member's Bill C-217, *An Act to amend the Criminal Code (mischief relating to war memorials)* was introduced by David Tilson, M.P. (Conservative) and received Royal Assent on June 19, 2014 (S.C. 2014, c. 9).

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The latest police-reported hate crime statistics in Canada for 2013 found that mischief was the most common hate crime, but that there was a 17% decline in police-reported hate crime incidents between 2012 and 2013, driven by a 30% drop in non-violent incidents, primarily mischief (such as hate graffiti).<sup>2</sup>

#### CONCLUSION

#### ANNEXES

- Annex 1: Comparison of Subsection 430(4.1) of the *Criminal Code*, Former Bill C-510 and Former Bill C-384
- Annex 2: Statistics Canada report "Police-Reported Hate Crime in Canada, 2013"

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<sup>2</sup> For further details about the statistics on mischief offences that the police reported as hate crimes in 2013, see Annex 2 at p. 7.

Comparison of Subsection 430(4.1) of the *Criminal Code*, Former Bill C-510  
and Former Bill C-384

Subsection 430(4.1)

(4.1) Every one who commits mischief in relation to property that is a building, structure or part thereof that is primarily used for religious worship, including a church, mosque, synagogue or temple, or an object associated with religious worship located in or on the grounds of such a building or structure, or a cemetery, if the commission of the mischief is motivated by bias, prejudice or hate based on religion, race, color or national or ethnic origin,

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

Former Bill C-510

(4.11) Every one commits an offence who, being motivated by bias, prejudice or hate based on religion, race, colour, national or ethnic origin, sex, language or sexual orientation, commits mischief in relation to

(a) a property that is a building, structure or part thereof that is used exclusively or principally by that group; as

(i) an educational institution, including a school, daycare centre, college or university, or

(ii) a community centre, playground, arena or sports centre;

(b) any other institution with an administrative, social, cultural, educational or sports function that is used exclusively or principally by that group; or

(c) an object associated with an institution referred to in paragraph (a) or (b) located in or on the grounds of that institution.

(4.12) Every one who commits an offence under subsection (4.11)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

Former Bill C-384

(4.11) Every one is guilty of an indictable offence and liable to imprisonment for a term not exceeding 10 years or is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding 18 months who, being motivated by bias, prejudice or hate based on religion, race, colour, national or ethnic origin or sexual orientation, commits mischief against any identifiable group as defined in subsection 318(4)

(a) in relation to property that is a building, structure or part thereof that is used exclusively or principally by that group as:

(i) an educational institution, including a school, daycare centre, college or university, or

(ii) a community centre, playground, arena or sports centre;

(b) in relation to any other institution with an administrative, social, cultural, educational or sports function that is used exclusively or principally by that group; or

(c) in relation to an object associated with an institution referred to in paragraph (a) or (b) located in or on the grounds of that institution.

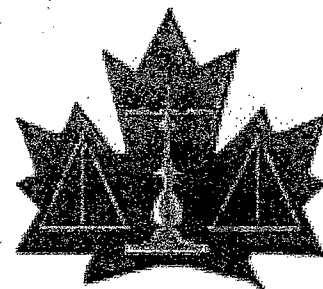
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**Juristat**

## **Police-reported hate crime in Canada, 2013**

by Mary Allen  
Canadian Centre for Justice Statistics

Release date: June 9<sup>th</sup>, 2015



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The following symbols are used in Statistics Canada publications:

- not available for any reference period
- .. not available for a specific reference period
- ... not applicable
- 0 true zero or a value rounded to zero
- 0<sup>s</sup> value rounded to 0 (zero) where there is a meaningful distinction between true zero and the value that was rounded
- <sup>p</sup> preliminary
- <sup>r</sup> revised
- x suppressed to meet the confidentiality requirements of the *Statistics Act*
- <sup>E</sup> use with caution
- F too unreliable to be published
- \* significantly different from reference category ( $p < 0.05$ )

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## Police-reported hate crime in Canada, 2013: highlights

- In 2013, police reported 1,167 criminal incidents in Canada that were motivated by hate, 17% or 247 fewer incidents than in 2012. The decline was mainly the result of a 30% decrease in non-violent hate crime incidents, primarily mischief.
- About half (51%) of police-reported hate crimes in 2013 were motivated by hatred of a race or ethnicity. Another 28% were motivated by hatred of religion and 16% by hatred toward sexual orientation.
- Among hate crimes related to race or ethnicity, Black populations were the most frequently targeted (22% of all hate crimes) in 2013. For religion motivated hate crime, hate crimes targeting Jewish populations were the most common (16% of hate crimes of all types).
- Six in ten hate crimes in 2013 were non-violent. Mischief was the most commonly reported offence among police-reported hate crimes, making up about half of all hate crime incidents.
- Four in ten (40%) police-reported hate crimes in 2013 involved violent offences, such as assault, uttering threats and criminal harassment. Overall, the number of violent hate crimes increased 4% from the previous year, driven by increases in common assault and uttering threats.
- Nearly two-thirds (66%) of crimes motivated by hatred of a sexual orientation in 2013 were violent. This was also true for 44% of crimes motivated by hatred of a race or ethnicity. Among religious hate crimes, 18% were violent.
- The majority of police-reported hate crime incidents in 2013 were concentrated in major cities (CMAs). While the 10 largest Canadian cities account for just over half (52%) of the population, they reported 71% of the hate crimes in 2013.
- The number of youth accused in hate-motivated non-violent incidents in 2013 decreased 65% compared to the previous year, mostly due to declines in youth accused of mischief. In contrast, the number of youth accused in violent hate-motivated incidents increased 8%.

## Police-reported hate crime in Canada, 2013

by Mary Allen

Canada's population is increasingly diverse. According to the 2011 National Household Survey, 19% of Canadians reported being members of a visible minority group, up from 16% in 2006.<sup>1</sup> The proportion of people who reported religious affiliations other than Christianity also grew, with 7.2% of the Canadian population identifying as Muslim, Hindu, Sikh or Buddhist in 2011 compared to 4.9% in 2001.<sup>2</sup> The Jewish population remained stable at 1% (Statistics Canada 2013b). Aboriginal people comprised 4.3% of the population in 2011 compared to 3.8% in 2006 (Statistics Canada 2013a).

Looking forward, the proportion of Canadians who are members of visible minority groups or affiliated with non-Christian religions is expected to increase. By 2031, nearly one in three Canadians could be a member of a visible minority group, and the number of Canadians with a non-Christian religion is expected to more than double to about 14% of the population. South Asian and Chinese populations are expected to continue to be the largest visible minority groups in Canada, but Arab and West Asian populations are expected to grow the fastest over the next two decades (Statistics Canada 2010).

With changing demographics, the potential can arise for acts of discrimination against individuals or groups (Chongatera 2013). When a criminal act in Canada is motivated by hate, it is considered a hate crime. Hate crimes can be either violent or non-violent in nature, and affect not only the individual victims of the crime but also the communities targeted. Hate crimes are a focus of social concern in Canada and around the world. As a member of the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE), Canada works with other countries to monitor and combat hate crime (ODIHR 2012).

In Canada, four specific offences are listed as hate propaganda offences or hate crimes in the *Criminal Code of Canada*: advocating genocide, public incitement of hatred, willful promotion of hatred and mischief motivated by hate in relation to religious property.<sup>3</sup> In addition, subparagraph 718.2(a)(i) of the *Criminal Code* allows for increased penalties when sentencing any criminal offence (such as assault or mischief) where there is evidence that the offence was motivated by bias, prejudice or hatred toward a particular group as listed in the *Criminal Code*. These are also considered hate crimes.

This *Juristat* article examines police-reported hate crime in Canada using data from the Incident-based Uniform Crime Reporting Survey (UCR2), which collects information from police services. More specifically, this report examines the number of hate crime incidents reported by police in 2013 as well as the characteristics of these incidents, and the victims and accused involved.<sup>4</sup> For the survey, a hate crime is defined as a criminal offence committed against a person or property, where there is evidence that the offence was motivated by hate, based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor.<sup>5</sup>

The collection of police-reported hate crime data as well as the production of this analytical report was supported by funding from Citizenship and Immigration Canada.

### Fewer police-reported hate crimes than the previous year

In 2013, police reported 1,167 criminal incidents in Canada that were motivated by hate, 17% or 247 fewer incidents than in 2012. This represents a rate of 3.3 incidents per 100,000 population and a very small proportion of the over 1.8 million criminal incidents reported by police in 2013. The rate in 2012 was 4.1 hate crimes per 100,000 population.

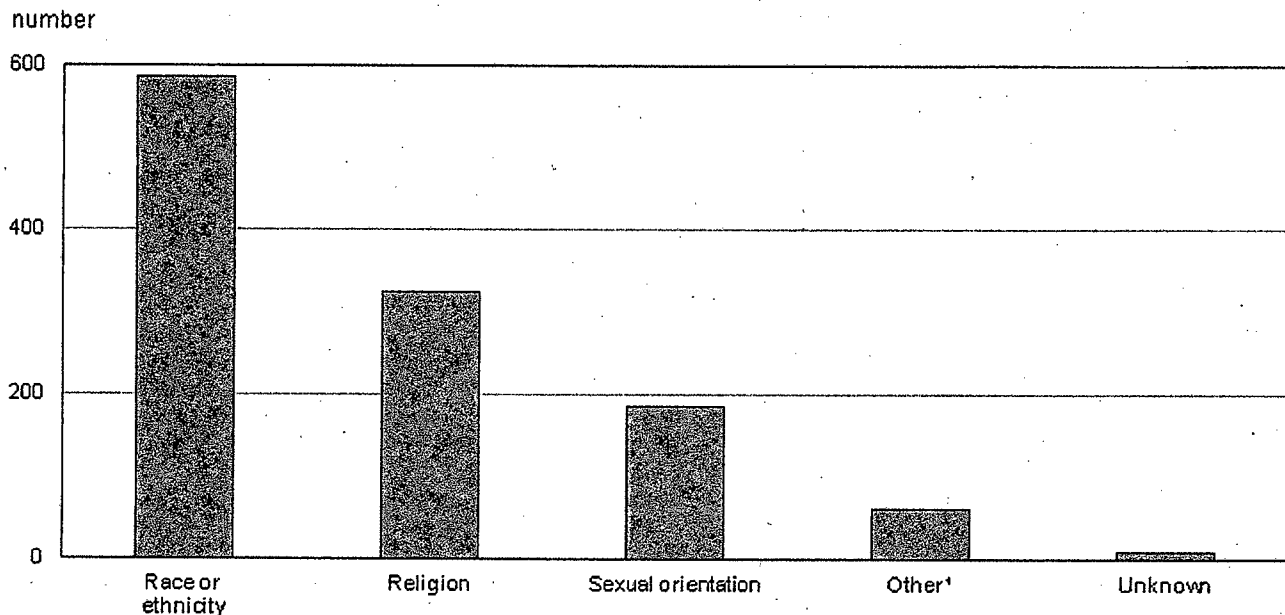
The majority (92%) of police-reported hate crime incidents were criminal offences deemed by police to have been motivated by hate and the remaining 8% involved the four specific violations defined as hate crimes in the *Criminal Code*.

## Half of police-reported hate crimes in 2013 were motivated by hatred of a race or ethnicity

About half of hate crimes (51% or 585 incidents) were motivated by hatred toward a race or ethnicity such as Black, Asian, Arab or Aboriginal populations (Table 1).<sup>6</sup> Another 28% of incidents (326) were motivated by hatred towards a religious group, including hate crimes targeting Jewish, Muslim, Catholic and other religious populations.<sup>7</sup> An additional 16% of incidents (186) were motivated by hatred of a sexual orientation. The remaining 5% of hate crimes were motivated by hatred of a language, mental or physical disability, sex, age, or another characteristic (such as occupation or political beliefs) (Chart 1). This report will focus on the three most common motivations: race/ethnicity, religion, and sexual orientation.

**Chart 1**

### Police-reported hate crimes, by type of motivation, Canada, 2013



1. Includes mental or physical disability, language, sex and other similar factors (e.g. occupation or political beliefs).

**Note:** Information in this chart reflects data reported by police services covering 99% of the population of Canada.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey.



## Text box 1

## Collection of police-reported hate crimes

The Uniform Crime Reporting Survey collects police-reported information on hate crimes, whether an incident involved one of the four specific offences of hate propaganda or hate crimes listed in the *Criminal Code* or if it involved a criminal offence motivated by hate as determined by police. The survey also includes detailed information about the incidents, including whether the incident was a violent or non-violent offence, as well as some information about the victims and accused. Detailed information about the incidents, such as the type of offence, as well as the characteristics of victims (in violent offences) and accused, was not available from municipal police services in Toronto, Calgary, Québec and Saint John. Data reported by these four police services accounted for 17% of hate crimes in 2013.

The collection of police-reported hate crime data occurs at the time the incident is reported. Depending on the level of evidence at the time of the incident, police can record it as either a 'suspected' or 'confirmed' hate-motivated crime. As more information is gathered, incidents are reviewed and verified and their status may be reclassified. This analysis includes crimes that have been confirmed to be or are strongly suspected to be motivated by hate. Suspected hate crimes may include criminal incidents that cannot be confirmed as hate crimes, but for which there is sufficient evidence to suspect that they are motivated by hate (e.g., hate graffiti where no accused has been identified).

It is important to note that victims of hate crimes targeting specific populations are not necessarily members of those specific populations. For example, if someone is assaulted and there is anti-Muslim language, the hate crime will be considered anti-Muslim whether or not the victim is Muslim. The hate crime is classified by the perception of the accused (even if this perception is inaccurate), not by the victim's characteristics.

Over the past two decades, police services across Canada have continued to advance their identification and reporting of hate crime incidents. Changes in reporting practices can have an effect on hate crime statistics. For example, an increase in the number of hate crime incidents reported in 2012 and 2013 in Thunder Bay was influenced by the introduction of a hate crime awareness campaign.

It is therefore important to recognize that, according to police services, higher rates of police-reported hate crime in certain jurisdictions may reflect differences or changes in the recognition, reporting and investigation of these incidents by police and community members. Moreover, it should be noted that smaller jurisdictions are more sensitive to changes in rates, where a small change in the number of incidents in small populations will have a greater impact on the rate.

Because of the impact of changes in reporting practices, and the variability of hate crime in jurisdictions where numbers are small, changes over time should be interpreted with caution. In addition, information on the characteristics of hate crimes where the total count is low should be interpreted in the context of the specific year of the data, and not as typical of these hate crimes generally. Because of this variability, some information on the characteristics of hate crime incidents, victims and accused by detailed motivation provided in this report is based on total hate crimes reported from 2010 to 2013.

Through the General Social Survey (GSS) on Victimization, Statistics Canada also collects self-reported information from Canadians 15 years of age and older about whether they had been the victim of selected criminal offences. This survey also collects information on whether or not victims believed their experiences were motivated by hate. The most recent cycle of the GSS on Victimization was carried out in 2014. Information from this cycle is planned for release in Fall 2015.

**Note on comparability of hate crime data**

Information from the UCR2.2 Survey on Hate Crime is sensitive to differences in the reporting of hate crimes across police services and over time. In particular, the following limitations should be taken into consideration:

- Comparison of hate crimes across different targeted populations: Willingness to report hate crimes may differ across the various targeted populations. In addition, because the number of hate crimes targeting specific populations is small, a change of a few incidents can have a considerable impact. As a result, caution should be taken in comparing rates of hate crime for specific populations.
- Comparison of hate crimes across Census Metropolitan Areas (CMAs): Public awareness campaigns, the presence of dedicated police hate crime units, and other programs aimed to promote the reporting of hate crimes can have an influence on differences in rates of hate crime by CMA.
- Comparison of hate crimes over time: Given the relatively small number of hate crimes reported by police, especially by motivation or by CMA, an increase or decrease of a few incidents can result in large percentage changes from year to year. In addition, improvements in reporting practices or the introduction of new programs can also have an impact on the number of hate crimes reported to police.
- Survey coverage: Not all police services are using the systems needed to report detailed characteristics of hate crimes to Statistics Canada. In particular, for 2013 data, information on characteristics of incidents, victims and accused were not available from municipal police services in Toronto, Calgary, Québec and Saint John.

## Mischief was the most common violation among police-reported hate crimes

In 2013, the majority (60%) of police-reported hate crimes were non-violent (Chart 2, Table 2). The most common violation among hate crimes was mischief: 4% were mischief in relation to religious property motivated by hate, as per section 430 of the *Criminal Code*, and 45% were other types of mischief, the commission of which were deemed by police as motivated by hate. Mischief was the most common offence among hate crimes motivated by either religion or race/ethnicity.

**Chart 2**

**Violent and non-violent hate crimes, by type of offence, Canada, 2013**



1. Other non-violent offences include crimes against property and other non-violent criminal violations (e.g. break and enter or disturbing the peace).

2. Other violent offences include other crimes against persons involving violence or threat of violence such as robbery or harassing telephone calls.

**Note:** Information in this chart reflects data reported by police services covering 86% of the population of Canada. It does not include municipal police services in Toronto, Calgary, Québec and Saint John reporting to the UCR2.2 Supplemental Survey.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey.

In 2013, violent incidents comprised 40% of police-reported hate crimes. The most common violent offence was assault (all levels), accounting for 21% of all hate crimes, followed by uttering threats (11% of all hate crimes).

Incidents motivated by hatred of a sexual orientation were more likely to be violent (66%) than those motivated by hatred of a race/ethnicity (44%) or religion (18%). The most common violent violations among incidents motivated by hatred of a sexual orientation were assault (32%), followed by uttering threats (18%) and criminal harassment (11%).

## Decline in hate crimes primarily due to decreases in mischief

The 17% decline in police-reported hate crime incidents in Canada between 2012 and 2013 was driven by a 30% drop in non-violent incidents, primarily mischief (such as hate graffiti).<sup>8</sup>

It is worth noting that police have been reporting declines in all incidents of mischief since 2006 (whether motivated by hate or not). Between 2012 and 2013, there was a 12% decline in incidents of police-reported mischief in Canada.

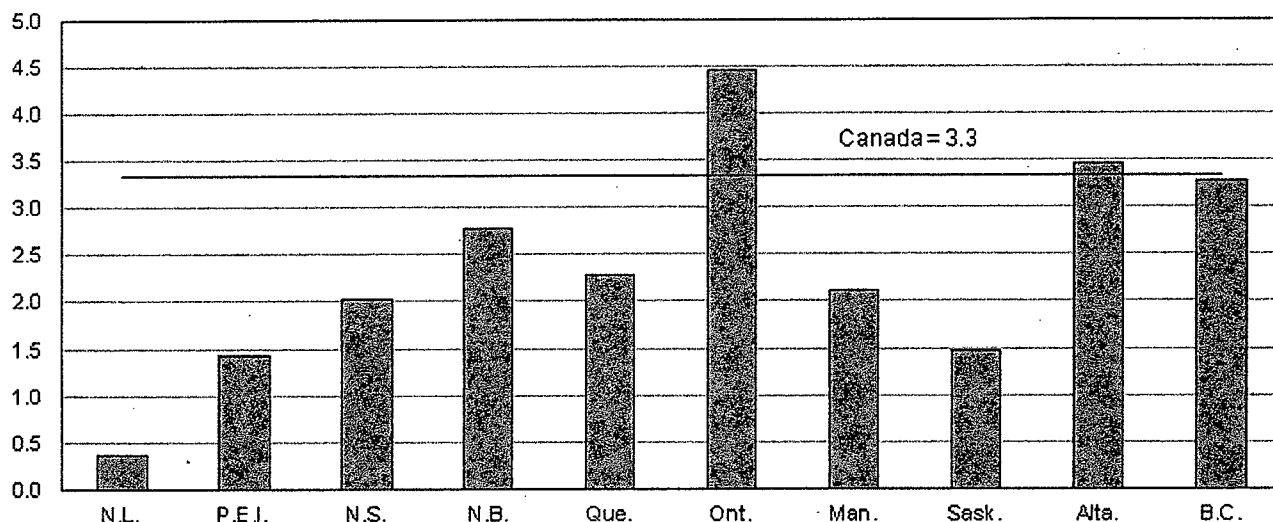
In contrast to non-violent crime, there were 4% more violent hate crime incidents reported by police in 2013. In particular, there were more violent hate crime incidents motivated by hatred of a race or ethnicity (+14%) and religion (+7%), but fewer motivated by sexual orientation (-4%) or other motivations (-11%).

## Largest decreases in police-reported hate crime reported by Ontario, British Columbia and Nova Scotia

About half (51%) of police-reported hate crimes in 2013 were reported in Ontario, the province posting the highest rate of hate crimes among the provinces (Chart 3, Table 3). As such, Ontario's decrease in hate crimes (-150 incidents) accounted for 61% of Canada's decline in police-reported hate crimes. British Columbia and Nova Scotia also contributed to the decrease in hate crimes in 2013, with 34 and 29 fewer incidents, respectively. There were small declines in all other provinces and territories except the Northwest Territories where there were six hate crime incidents reported in 2013 compared to one in 2012.

**Chart 3**  
**Police-reported hate crimes, by province, 2013**

rate per 100,000  
population



**Note:** Information in this chart reflects data reported by police services covering 99% of the population of Canada.  
**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey.

## Text box 2

### Factors affecting the reporting of hate crimes

This report presents information on hate crimes that came to the attention of police and therefore does not account for unreported crimes. According to the 2009 General Social Survey (GSS) on Victimization, about two-thirds of individuals who said they had been victims of hate-motivated incidents did not report the incidents to the police (Dauvergne and Brennan 2011).

In order to be reported by police as a hate crime, a criminal incident must first be reported to the police as a crime, and then it must also be classified as being motivated by hate. Some hate crimes may not be reported to police at all; others may be reported, but not classified as hate-motivated.

Differences in the prevalence of police-reported hate crime can be influenced by a variety of factors. For example, the presence (or absence) of a dedicated hate crime unit or training program within a particular police service may influence the identification of a crime as hate-motivated. The presence (or absence) of community outreach programs, public awareness campaigns, zero tolerance policies and victim assistance programs may affect the willingness or ability of community members to report incidents to police, or to disclose the nature of the crime as hate-motivated.

Similarly, previous research suggests that there may also be differences in the reporting of hate crimes by various targeted populations (Statistics Canada 2001; McDonald and Hogue 2007).

Finally, some populations could be targeted based on either hatred of their religion or their race/ethnicity (or both). Where a hate crime incident may involve more than one motivation (e.g., religion and race/ethnicity), the incident is reported once by police according to the primary motivation determined by the circumstances of the incident.

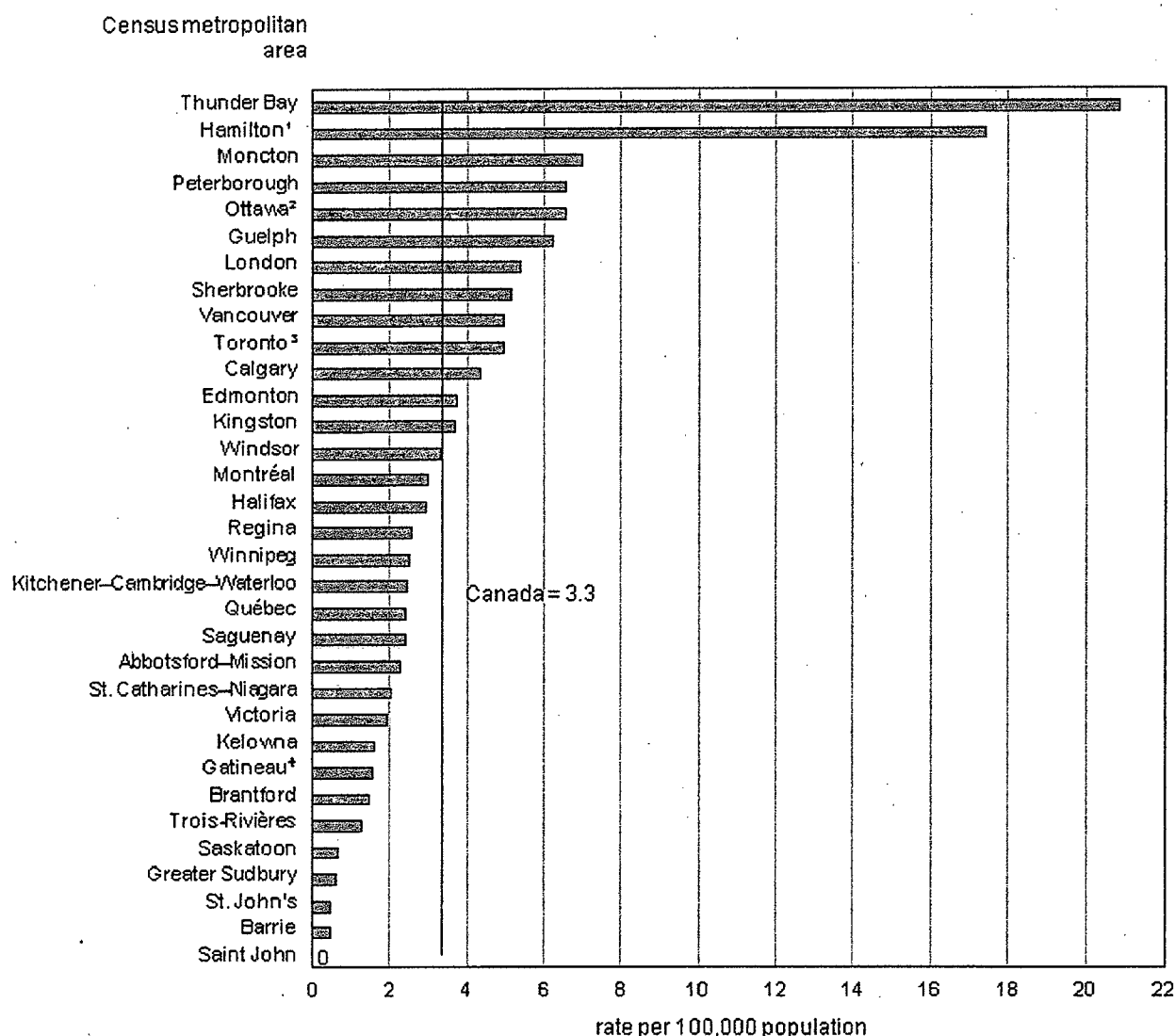
The influence of all of these factors must be considered when examining the number of hate crimes over time or across different geographies.

### Majority of hate crimes reported in major cities

The majority (87%) of police-reported hate crimes in Canada occurred in Census Metropolitan Areas (CMAs).<sup>9</sup> The 10 largest CMAs in Canada, home to 52% of the population covered by the UCR2 survey, accounted for 71% of hate crimes in 2013.<sup>10</sup>

Toronto, Montréal, and Vancouver, Canada's three largest CMAs, accounted for 43% of police-reported hate crime incidents in 2013. These three CMAs, however, did not have the highest rates of police-reported hate crime. Thunder Bay (20.9 per 100,000 population) and Hamilton (17.4 per 100,000 population)<sup>11</sup> reported the highest rates of hate crime in 2013 (Chart 4, Table 4).

**Chart 4**  
**Police-reported hate crimes, by census metropolitan area, 2013**



1. Excludes the portion of Halton Regional Police Service that polices the Hamilton CMA.

2. Ottawa refers to the Ontario part of the Ottawa–Gatineau CMA.

3. Excludes the portions of Halton Regional Police Service and Durham Regional Police Service that police the Toronto CMA.

4. Gatineau refers to the Quebec part of the Ottawa–Gatineau CMA.

**Note:** A census metropolitan area (CMA) consists of one or more neighbouring municipalities situated around a major urban core. A CMA must have a total population of at least 100,000 of which 50,000 or more live in the urban core. To be included in the CMA, other adjacent municipalities must have a high degree of integration with the central urban core, as measured by commuting flows derived from census data. A CMA typically comprises more than one police service. CMA populations have been adjusted to follow policing boundaries. The Oshawa CMA is excluded from this chart due to the incongruity between the police service jurisdictional boundaries and the CMA boundaries. In 2013, coverage for each CMA was virtually 100%, with the exception of Saskatoon (99%), Thunder Bay (98%), Brantford (95%), Windsor (91%), Toronto (91%), and Hamilton (74%).

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey.

Differences in police-reported hate crime in different cities, or from year to year, may be related to the demographic mix of the population (see Text box 3). Additionally, the reporting of hate crimes can also be influenced by the presence of a dedicated hate crime unit or hate crime programs within a police service, as well as by community outreach programs and public awareness campaigns (Text box 2).

### Text box 3

#### Canada's diverse populations living in the three largest CMAs

According to the 2011 National Household Survey (NHS), 19% of the Canadian population was a member of a visible minority group, compared to 16% in the 2006 Census and 13% in the 2001 Census. Canada's visible minority population is most concentrated in the country's three largest Census Metropolitan Areas (CMAs) – Toronto, Montréal and Vancouver. Of the total visible minority population in Canada, 70% lived in these three CMAs in 2011. In that year, more than 4 in 10 people residing in Toronto (47%) and Vancouver (45%) were visible minorities, whereas the same was true for two in ten people residing in Montréal (20%) (Statistics Canada 2013b). By 2031, about 6 in 10 individuals living in the CMAs of Toronto (63%) and Vancouver (59%) could be members of a visible minority. In Montréal, the proportion is expected to increase to about 3 in 10 (31%) (Statistics Canada 2010).

Canada's three largest CMAs are also home to a great majority of Canadians who are members of religious groups that were most frequently targeted in religiously motivated hate crimes. For instance, in 2011, 1% of the Canadian population identified as Jewish, with most (82%) living in Toronto, Montréal or Vancouver. The majority of those identifying as Muslim, who made up 3% of the Canadian population, also resided within Toronto, Montréal or Vancouver (68%). Buddhists, Hindus and Sikhs represented 4% of the Canadian population, and, again, the majority resided in the three largest CMAs (74%) (Statistics Canada 2013b). As with visible minority groups, these proportions are expected to increase over the next two decades (Statistics Canada 2010).

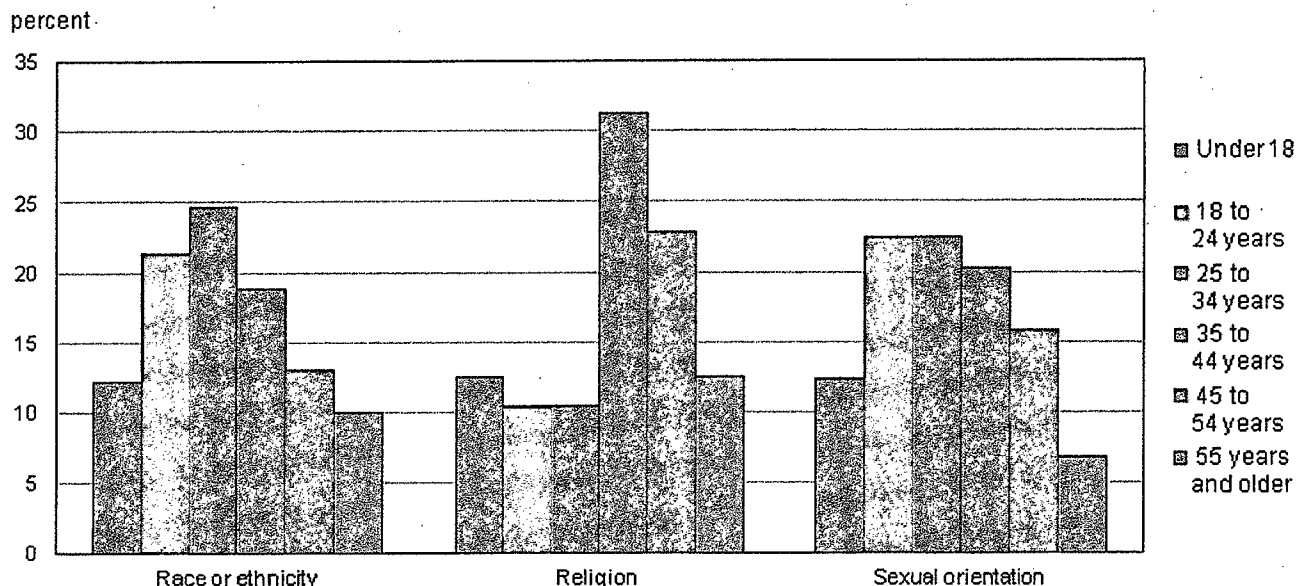
In 2011, same-sex couple families (both married and common-law) accounted for 1% of all couples in Canada. Almost half (46%) of these couples resided in Toronto, Montréal, or Vancouver in 2011 (Statistics Canada 2012).

#### Hate crime victims older compared to previous year

In 2013, victims of police-reported hate crimes tended to be older compared to 2012. In 2013, 69% of victims were aged 25 and older, compared to 60% in 2012. The representation of older victims in 2013 is a change most notable among victims of crimes motivated by race/ethnicity or religion. The difference in 2013 is the result of both a drop in the number of young victims and an increase in the number of older victims that year.

It is notable that victims of crimes motivated by hatred of a religion in 2013 tended to be older compared to other victims, with 77% being aged 25 and older in 2013. In comparison, the same was true for 67% of victims of crime motivated by hatred of a race/ethnicity and 65% of crimes motivated by hatred of a sexual orientation (Chart 5).

**Chart 5**  
**Age distribution of victims in hate crime incidents, by motivation,**  
**Canada, 2013**



**Note:** Information in this chart reflects data reported by police services covering 86% of the population of Canada. It does not include municipal police services in Toronto, Calgary, Québec and Saint John reporting to the UCR2.2 Supplemental Survey. Information on victims is limited to incidents involving violent offences. In 2013, information on 412 victims was reported in 336 violent hate crime incidents. In 16% of hate crime incidents involving victims, more than one victim was identified.  
**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey.

In 2013, the majority (69%) of victims of police-reported violent hate crimes were male (Table 5).<sup>12</sup> Violent incidents motivated by hatred of a sexual orientation had the highest proportion of male victims (81%).

The majority (68%) of hate crime victims of violence in 2013 sustained no physical injuries.<sup>13</sup> Just over one-quarter (28%) had minor physical injuries, while 4% sustained major injuries. Victims of violent crimes motivated by hatred of a sexual orientation, the incidents which were the most likely to involve assault, were the most likely to report any physical injuries: 44% involved minor injuries and 2% major injuries.

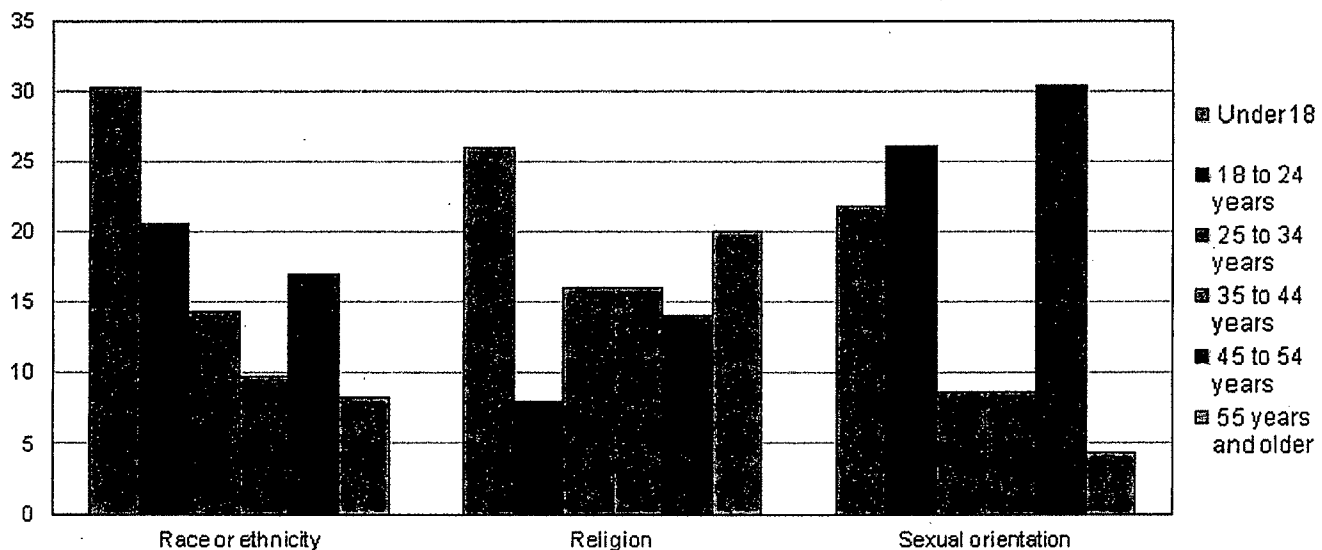
In contrast to violent crimes in general, most victims of violent hate crimes (63%) did not know the accused (in incidents where an accused was identified).

### Decline in the number of youth accused of hate-motivated mischief

One in four individuals accused of hate crimes in 2013 were youth aged 12 to 17 (25%) (Chart 6, Table 6).<sup>14</sup> This was a decline from the previous year when 35% of accused were youth. Between 2012 and 2013, there was a 37% decrease in the number of youth accused of hate crimes. This decline was primarily due to a notable decrease (-73%) in the number of youth accused of hate-motivated mischief. This decline in the number of youth accused of mischief accounted for almost all of the decrease in the number of individuals accused of hate crimes between 2012 and 2013.

**Chart 6**  
**Age distribution of persons accused in hate crime incidents, by motivation,**  
**Canada, 2013**

percent



**Note:** Information in this chart reflects data reported by police services covering 86% of the population of Canada. It does not include municipal police services in Toronto, Calgary, Québec and Saint John reporting to the UCR 2.2 Supplemental Survey. Excludes accused where age is unknown or over 89. In 2013, there was information on 346 accused individuals associated with 277 incidents. In 14% of these incidents, more than one accused was identified.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey.

In contrast to the large decline in the number of youth accused of non-violent hate crimes (-65%), police reported an 8% increase in the number of youth accused of violent hate crimes from 2012 to 2013.

The most common hate-motivated violent offence for youth in 2013 was assault (of all levels), accounting for 33% of youth accused of hate crimes. In violent incidents with at least one youth accused, 69% of these incidents had at least one youth victim. Violent hate crime, particularly assault, was even more frequent among young adults; 60% of 18- to 24-year-olds accused of hate crimes in 2013 were accused of assault.

The majority (81%) of those accused of hate crimes were male. Young males under age 25 made up 39% of hate crime accused. For crimes motivated by hatred of a sexual orientation, young males accounted for 54% of accused.

## Overview of specific types of hate crimes

The remainder of this report provides detailed highlights of crimes motivated by hatred of a race/ethnicity, religion and sexual orientation. Because the number of hate crime incidents in selected categories can be relatively small, a change in reported hate crimes from one year to the next can have a considerable impact on the reported characteristics of these incidents (or victims and accused). For this reason, information on the characteristics of hate crimes targeting specific populations in this section are based on all incidents reported over a four-year period (from 2010 to 2013). As aggregate counts for the four years can still be relatively small, caution should be taken in comparing the characteristics for different groups.

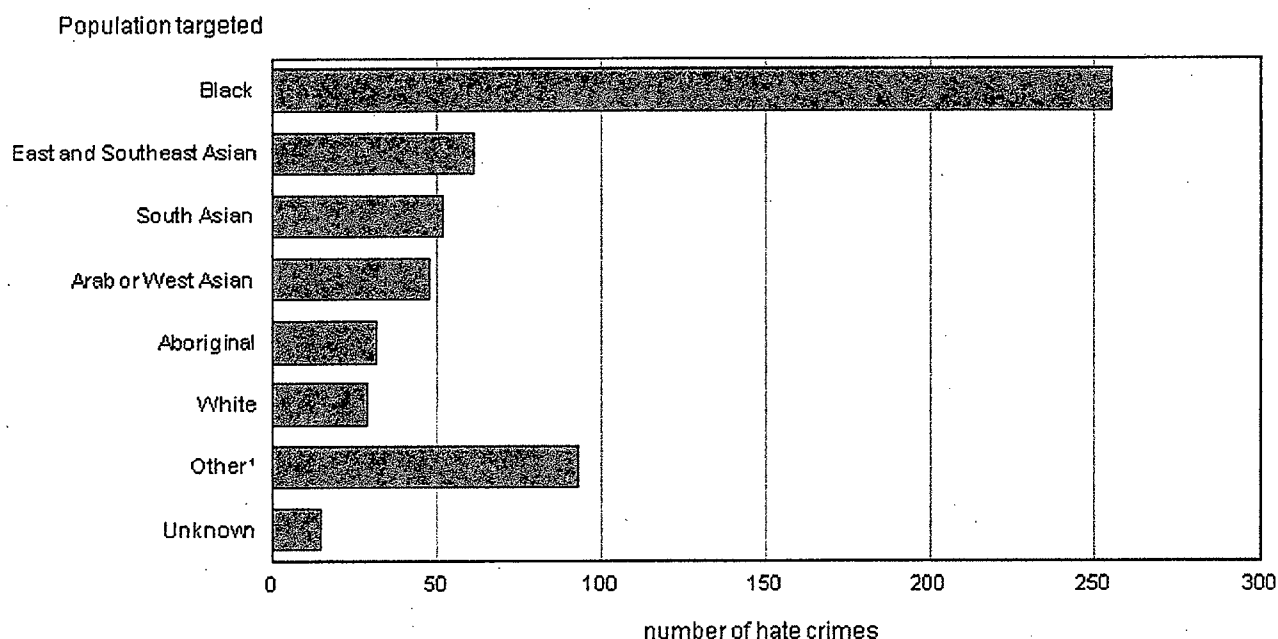
## Police-reported hate crimes motivated by hatred of a race or ethnicity

According to the National Household Survey (NHS), 19% of the Canadian population in 2011 was a member of a visible minority group,<sup>15</sup> compared to 16% in the 2006 Census and 13% in the 2001 Census.<sup>16</sup> In the context of this increasing diversity, hate crimes motivated by race or ethnicity are of particular concern as they comprise half of all police-reported hate crimes in Canada.



In 2013, there were 585 police-reported hate crimes motivated by race or ethnicity. Black populations continued to be the most highly targeted group among these incidents, accounting for 44% of racial hate crimes (or 22% of all hate crimes).<sup>17</sup> Hate crimes targeting East and Southeast Asian populations<sup>18</sup> comprised 10% of race/ethnicity hate crimes, followed by those targeting South Asian<sup>19</sup> (9%), Arab and West Asian<sup>20</sup> (8%) and Aboriginal (5%) populations (Chart 7, Table 7). It should be noted that the overlap between race/ethnicity and religion for some populations may have an impact on hate crime statistics, as some religious populations (communities) may also be targeted in hate crimes motivated by race or ethnicity.

**Chart 7**  
**Number of police-reported hate crimes motivated by race or ethnicity,**  
**Canada, 2013**



1. Includes motivations based upon race or ethnicity not otherwise stated (e.g. Latin American, South American) as well as hate crimes which target more than one race or ethnic group.

**Note:** Information in this chart reflects data reported by police services covering 99% of the population of Canada.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey.

Between 2012 and 2013 there was a 17% decline in police-reported hate crimes motivated by race or ethnicity, with 119 fewer incidents reported. The decline was greatest for hate crimes targeting Arab and West Asian (-16 incidents) and Black populations (-40 incidents). As with hate crime generally, the declines were primarily in non-violent incidents. There was an increase in reported hate crimes targeting East and Southeast Asian populations (+11 incidents) as well as White populations (+9 incidents). In these cases, the increase was primarily in the number of violent incidents.

## Text box 4

## Hate crime rates for selected targeted populations

A rate of hate crime for selected groups was calculated for this report to estimate the number of police-reported hate crime incidents per 100,000 individuals in the target population.<sup>21</sup> This rate should not be interpreted as a victimization rate, as it also includes crimes where no direct victim was involved (e.g. public graffiti). Instead, it takes into account the fact that hate crimes not only affect their immediate victims, but also have an impact on the populations they target as well as the wider community where the incident took place (Fashola 2011; McDonald and Hogue 2007). Even a 'victimless' crime, such as hate graffiti written in a public place, may have a broad effect on the population it targets.

Using demographic information from the 2011 National Household Survey (NHS) on visible minority groups and religion, rates are provided for selected populations targeted by hate crimes. These were calculated as the number of hate crimes in 2013 targeting a specific group per 100,000 persons in Canada identifying as members of that group in 2011. For example, the rate for hate crimes targeting Jewish populations is calculated as the number of hate crimes motivated by hatred of the Jewish religion per 100,000 persons in Canada who reported their religion in the 2011 NHS as Jewish.

These rates are estimated, as they are based on population data from 2011.<sup>22</sup> Comparison of rates for different groups is not recommended.

Because of the small number of hate crimes targeting specific groups, characteristics of incidents, victims and accused may vary considerably from year to year. For this reason, information on the characteristics of hate crime in this section is based on all hate crimes reported for the four-year period from 2010 to 2013. It is also important to note that information on type of offence as well as the characteristics of victims and accused was not available for municipal police services in Toronto, Calgary, Québec and Saint John.

It is not possible to calculate a specific hate crime rate for hate crimes motivated by sexual orientation as comparable population counts by sexual orientation are not available.

## Hate crimes targeting Black populations

In 2013, there were 255 police-reported hate crime incidents that targeted Black populations. This represented an estimated rate of 27.0 incidents per 100,000 persons in Canada reporting that they were Black.

Over the period from 2010 to 2013, about two-thirds (66%) of hate crimes targeting Black populations were non-violent, mostly involving mischief (56%). Violent offences made up 34% of hate crimes targeting Black populations. More specifically, assault accounted for 19% of hate crimes against Black populations.

Victims of violent hate crimes targeting Black populations from 2010 to 2013 were predominantly male (73%). As with hate crimes in general, victims were often young; 39% were under age 25.

The majority (55%) of individuals accused of hate crimes targeting Black populations from 2010 to 2013 were under age 25, including 34% under age 18. Of these accused youth (aged 12 to 17), 42% were accused of mischief.

## Hate crimes targeting East and Southeast Asian populations

There were 61 police-reported hate crimes targeting East and Southeast Asian populations in 2013, or an estimated rate of 2.4 per 100,000 persons in Canada reporting that they were East or Southeast Asian.<sup>23</sup>

As with other types of hate crime, mischief was the most common offence, comprising 39% of hate crime incidents targeting East and Southeast Asian populations. Over the period from 2010 to 2013, however, about half (52%) of hate crimes targeting these populations involved violent offences. Nearly one-third (31%) of all hate crimes targeting these populations were incidents of assault.

About three-quarters (74%) of victims of violent hate crimes targeting East and Southeast Asian populations between 2010 and 2013 were male. A large majority (77%) did not know their accused. Most individuals accused of hate crimes targeting East and Southeast Asian populations were male (83%), and the majority (56%) were 25 years of age or older.

## Hate crimes targeting South Asian populations

There were 52 police-reported hate crimes targeting South Asian populations in 2013 or an estimated rate of 3.3 hate crimes per 100,000 persons in Canada reporting that they were South Asian.

Mischief was the most common offence in hate crimes targeting this group in 2013 (35%). Over the period from 2010 to 2013, however, six in ten hate crimes (59%) targeting South Asian populations were violent offences. Assault comprised 31% of incidents.

The majority (77%) of victims of violent hate crimes targeting South Asian populations were male, and two-thirds (68%) were aged 25 and over. Most (76%) identified the accused as a stranger.

As with hate crimes in general, most individuals (83%) accused of hate crimes targeting South Asian populations over the four-year period were male. The majority were under age 25 (53%).

## Hate crimes targeting Arab and West Asian populations

There were 48 police-reported hate crimes targeting Arab and West Asian populations in 2013. This represents an estimated rate of 8.2 incidents per 100,000 persons in Canada reporting that they were Arab or West Asian.

Over half (56%) of hate crimes targeting Arab and West Asian populations from 2010 to 2013 were non-violent. The most common offence targeting this group was mischief (32%). Violent offences comprised 44% of hate crimes targeting these populations, with assault accounting for 31%.

Victims of violent hate crimes targeting Arab and West Asian populations during this four-year period were predominantly male (68%), and 36% were under age 25.

Most (82%) individuals accused of hate crimes targeting Arabs and West Asian populations over this period were male and the majority (58%) of accused were aged 25 and over.

## Hate crimes targeting Aboriginal populations

There were 32 hate crime incidents targeting Aboriginal populations reported by police in 2013. This represented an estimated rate of 2.3 hate crimes per 100,000 persons in Canada reporting that they were an Aboriginal person.

Overall, the single most common offence was mischief (36%). However, violent offences accounted for half (51%) of hate crimes targeting Aboriginal populations reported by police from 2010 to 2013, with 30% involving assault.<sup>24</sup>

About two-thirds (65%) of victims of violent hate crimes targeting Aboriginal populations over this period were male. They were typically younger than other victims of race/ethnicity hate crime. Nearly one-third (30%) of victims of Aboriginal hate crimes reported from 2010 to 2013 were under age 18. An additional 19% were aged 18 to 24 years.

Nearly half of victims in violent hate crimes targeting Aboriginal populations reported an injury (45%, mostly minor), and the majority (59%) identified the accused as a stranger.

The majority of individuals accused of hate crimes targeting Aboriginal populations were youth or young adults: 46% were under age 18 and another 24% were 18 to 24 years old. The vast majority (91%) of accused were male.

## Police-reported hate crimes motivated by hatred of a religion

According to the 2011 National Household Survey, the increased ethno-cultural diversity in Canada has been paralleled by an increase in the proportion of people who reported religious affiliations other than Christianity. In 2011, 7.2% of the Canadian population reported that they were Muslim, Hindu, Sikh or Buddhist, compared to 4.9% in 2001. The Jewish population has remained stable at 1%. Two-thirds (67.3%) of the Canadian population reported affiliation with a Christian religion, with 38.7% of Canadians being Roman Catholic. Almost one-quarter (23.9%) of Canadians reported no religious affiliation, compared to 16.5% in 2001.

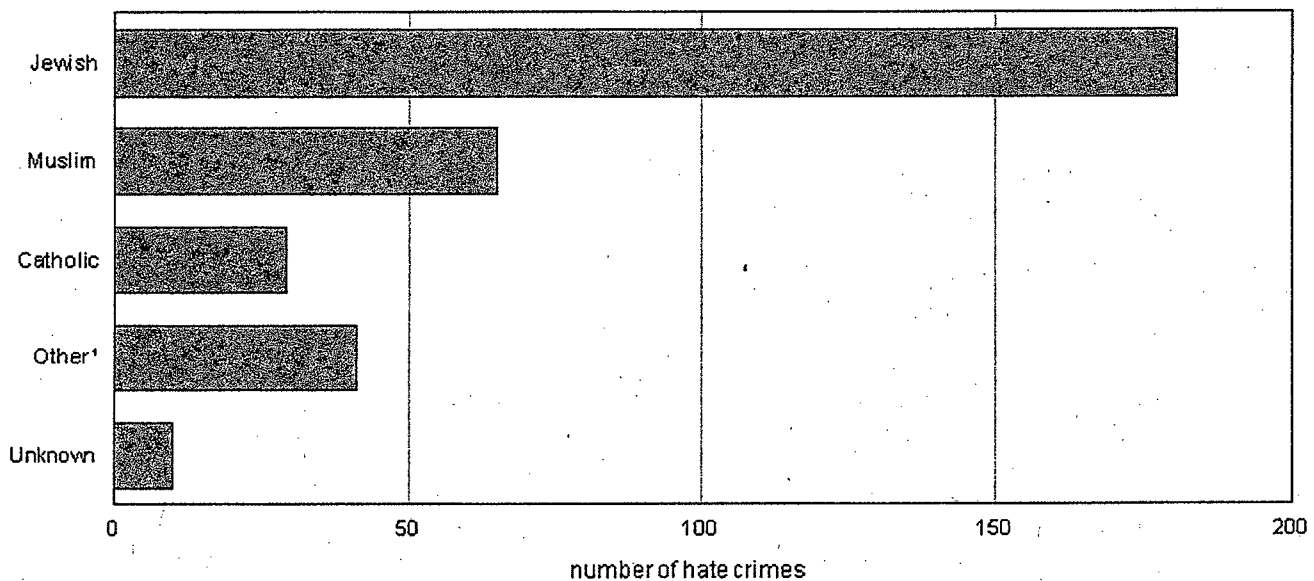
The majority of Canadians who reported non-Christian religions were also members of a visible minority group, with one exception. In 2011, 88% of Muslims and 97% of Buddhists, Hindus and Sikhs residing in Canada were also members of a visible minority group.<sup>25</sup> The exception was for those who were Jewish, among whom 2% were members of a visible minority group. The overlap between race/ethnicity and religion may have an impact on hate crime statistics, as some religious populations (communities) may also be targeted in hate crimes motivated by race or ethnicity.

In 2013, there were 326 police-reported hate crimes motivated by hatred of a religion or religious group — 28% of hate crimes. Hate crimes targeting Jewish populations were the most frequently reported, accounting for 56% of religious hate crimes in 2013 (16% of all hate crime incidents) (Chart 8, Table 7).

**Chart 8**

**Number of police-reported hate crimes motivated by religion, Canada, 2013**

Population targeted



1. Includes motivations based upon religions not otherwise stated including non-Catholic Christian denominations as well as Sikh, Hindu, Buddhist, etc.

**Note:** Information in this chart reflects data reported by police services covering 99% of the population of Canada.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey.

There were 93 fewer religion-motivated hate crime incidents reported in 2013 than in 2012, a 22% decrease resulting from a drop in non-violent offences, primarily mischief. The decrease occurred for hate crimes targeting all religious groups except Muslim.

**Hate mischief related to religious property**

Two types of hate crime involve mischief. Most hate crimes involving mischief are labeled 'other mischief' motivated by hate, such as hate graffiti in a public place or on someone's home. In addition, the *Criminal Code* (s. 430) specifically lists mischief in relation to religious property motivated by hate, bias or prejudice as a specific hate crime offence. For the period 2010 to 2013, there was an average of 67 incidents per year of mischief motivated by hate in relation to religious property reported by police (43 incidents in 2013).<sup>26</sup> The most common categories identified in police-reported hate mischief related to religious property were Catholic (26% of incidents) and "Other" unspecified religions, which includes non-Catholic Christian denominations as well as Buddhist, Sikh, Hindu, and others (22% of incidents). It should be noted that 28% of the incidents motivated by religion over this four-year period were identified as "unknown religion". These may include incidents of mischief in cemeteries where no specific religion can be identified.

## Hate crimes targeting Jewish populations

There were 181 hate-motivated crimes targeting the Jewish religion reported by police in 2013, or an estimated rate of 54.9 police-reported hate crimes per 100,000 individuals reporting that they were Jewish.

The majority (84%) of these incidents targeting Jewish populations between 2010 and 2013 were non-violent. Three-quarters of hate crimes targeting Jewish populations were mischief: 7% were mischief motivated by hate in relation to religious property, and 68% were other mischief motivated by hate.

Violent offences accounted for 16% of hate crimes targeting Jewish populations over this four-year period. The most common violent offence was uttering threats, accounting for 37% of violent incidents (6% of all Jewish hate crimes). Assaults (of all types) comprised 20% of violent Jewish hate crimes, or 3% of all Jewish hate crimes.

The majority (61%) of victims of violent hate crimes targeting Jewish populations between 2010 and 2013 were male and 53% were 35 years of age and older. The majority, 88%, reported no physical injury. Over half (56%) of these victims identified the accused as a stranger.

Of individuals accused of hate crimes targeting Jewish populations over this period, 86% were male. Nearly half (44%) were under age 18; another 22% were 18 to 24 years of age. More than half (57%) of accused under age 25 were accused of mischief.

## Hate crimes targeting Muslim populations

Police reported 65 crimes motivated by hatred against the Muslim religion in 2013, representing an estimated rate of 6.2 hate crimes per 100,000 individuals reporting that they were Muslim. This was an increase over 2012 (+20 incidents). It is important to note, however, that, according to the 2011 National Household Survey, 88% of the Muslim population were also members of visible minority groups such as Arab and West Asian or South Asian, and may also be targeted by hate crimes motivated by race or ethnicity (see Text box 2). In this context, therefore, it can be noted that between 2012 and 2013, the number of police-reported hate crime incidents targeting Arab and West Asian and South Asian populations declined nationally. The only exception was in Quebec, where the number of hate crimes targeting both Muslim (+9) as well as Arab and West Asian populations (+7) increased.

From 2010 to 2013, the majority (67%) of hate crimes targeting Muslim populations were non-violent and the most common offence was mischief (32%) or mischief motivated by hate in relation to religious property (12%). Compared to hate crimes targeting other religions, hate crimes targeting Muslim populations were more likely to be violent offences (33%).

Over the period from 2010 to 2013, Muslim populations had the highest percentage of hate crime victims who were female (47%). This may be related to the fact that the practice of wearing head coverings may make religious identity more visible for Muslim women than for men. For example, the National Council of Canadian Muslims recently noted that a particularly high percentage of attacks against individuals involved Muslim women wearing hijabs (Islamic head-coverings) (National Council of Canadian Muslims 2014).<sup>27</sup>

Victims also tended to be older than with other types of hate crime. Over the four-year period, 65% of victims of violent hate crimes targeting Muslims were 35 years of age or older.

Individuals accused of hate crimes against Muslims from 2010 to 2013 were also more likely to be female and also tended to be older than those accused of hate crimes in general. Over the four-year period, 31% of accused were female, and nearly two-thirds of accused were 35 years of age or older.

## Police-reported hate crimes motivated by hatred of a sexual orientation

There were 186 police-reported hate crime incidents in 2013 that were motivated by sexual orientation, one more than the previous year.

These hate crimes were more likely to be violent than hate crimes targeting other groups. Over the four-year period from 2010 to 2013, about two-thirds of these hate crimes involved violent offences (ranging from 65% to 67%). The most common offence within hate crimes motivated by sexual orientation was assault, with 25% of incidents being common assault and another 11% reported as more serious assaults. These were primarily assault level 2 (with a weapon or causing bodily harm) (10%). Over the four-year period, nine incidents of aggravated assault (level 3) were reported.<sup>28</sup>

Mischief accounted for 28% of hate crimes motivated by hatred of a sexual orientation.

Of the victims of violent hate crimes motivated by hatred of a sexual orientation from 2010 to 2013, 83% were male, and 48% were under age 25. Males under 25 accounted for 39% of victims.

Among all victims of violent hate crimes motivated by sexual orientation between 2010 and 2013, 61% identified the accused as a stranger. Nearly half (46%) sustained injuries, mainly minor.

Between 2010 and 2013, of those accused of hate crimes motivated by sexual orientation, 64% were under age 25, and 91% of all accused were male. Over half (59%) of those accused were young males under 25 years of age.

## Summary

Canadian police services reported 1,167 hate crimes in 2013, 17% fewer incidents than in 2012. There was a 30% drop in non-violent hate crimes, primarily mischief. In contrast, the number of violent hate crimes increased 4% between 2012 and 2013.

Most police-reported hate crime involved non-violent offences, particularly mischief, which accounted for about half of hate crime incidents in 2013. Consistent with previous years, the most frequent motivations for hate crime were race or ethnicity, religion and sexual orientation. Nearly two-thirds (66%) of crimes motivated by hatred of a sexual orientation in 2013 were violent. This was also true for 44% of crimes motivated by hatred of a race or ethnicity. Among religious hate crimes, 18% were violent.

It is important to note that the measurement of hate crimes in Canada, as reported by police, has been evolving over the past two decades and is continuing to evolve. Analysis of police-reported hate crimes over time and for specific jurisdictions and motivations shows that the reporting of hate crimes is sensitive to changes to reporting practices, which may be influenced by a variety of factors, including the introduction of police hate crime initiatives and public awareness campaigns.

## Survey description

This report uses data from the Incident-based Uniform Crime Reporting Survey (UCR2). This is a microdata survey that captures detailed information on crimes reported to and substantiated by police, comprising the characteristics of victims, accused persons and incidents. In response to changing information needs, the survey was modified in 2005 (UCR2.2) to enable identification of incidents motivated by hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor, such as occupation or political beliefs.

In the UCR Survey, police services can report up to four offences per incident. However, to conform to statistical reporting standards for this survey, only the most serious offence in an incident is used in this analysis.

In 2013, police services reporting to the UCR2.2 served 86% of the population of Canada.

A supplemental survey has been conducted each year since 2006 as a means of obtaining information on hate-motivated crimes from those police services reporting microdata but which had not yet converted their electronic reporting systems to the newest UCR2.2 version. These respondents were asked to identify those criminal incidents that had been motivated by hate and to manually provide the detailed motivation of each incident to Statistics Canada. Additional information (e.g., type of crime, weapon use, level of injury and relationship) was not provided by these respondents. In 2013, the municipal police services providing information to the supplemental survey were Toronto, Calgary, Québec, and Saint John.

Combined, coverage from UCR2.2 and the supplemental survey in 2013 is estimated at 99% of the population of Canada.

The Oshawa CMA is excluded from the analysis of hate crimes by CMA due to the incongruity between the police service jurisdictional boundaries and the CMA boundaries. For the same reason, data from the Halton and Durham police services are also excluded. The exclusion of information from Halton police affects the coverage for the Toronto and Hamilton CMA. The exclusion of information from the Durham police affects coverage for Toronto. As a result, information for the CMA of Toronto reflects data from police serving 91% of the population of the CMA of Toronto. For Hamilton, data cover 74% of the Hamilton CMA population.

The UCR2 survey collects information on victims of violent crimes when they are identified in an incident. In 2013, information on 412 victims of violent offences was reported in 336 hate crime incidents. In 16% of violent hate crime incidents involving victims, more than one victim was identified. Information on victims reflects data reported by police services covering 86% of the population of Canada. It is not provided by police services reporting to the UCR2.2 Supplemental Survey.

UCR2 also collects information about persons accused of hate crime. In 2013, there was information on 346 accused individuals associated with 277 incidents. This included 3 accused under age 12 who cannot be charged with an offence under the *Criminal Code*. In 14% of these incidents, more than one accused was identified. Information on accused reflects data reported by police services serving 86% of the population of Canada. It is not provided by police services reporting to the UCR2.2 Supplemental Survey.

Data on hate crimes are also available in CANSIM tables 252-0091, 252-0092, and 252-0093.

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Statistics Canada. 2013a. *Aboriginal Peoples in Canada: First Nations People, Métis and Inuit. National Household Survey, 2011*. Statistics Canada Catalogue no. 99-011-X2011001.

Statistics Canada. 2013b. *Immigration and Ethnocultural Diversity in Canada. National Household Survey, 2011*. Statistics Canada Catalogue no. 99-010-X2011001.

## Notes

1. When comparing estimates from the 2001 and 2006 Census long forms and estimates from the 2011 National Household Survey (NHS), users should take into account the fact that the two sources represent different populations. The target population for the 2001 and 2006 Census long forms included usual residents in collective dwellings and persons living abroad, whereas the target population for the NHS excludes them. Moreover, the NHS estimates are derived from a voluntary survey and are therefore subject to potentially higher non-response error than those derived from the 2001 and 2006 Census long forms.

2. Information on religion was not collected in the 2006 Census.

3. These offences are described in *Criminal Code* sections 318 (1), 319 (1), 319 (2), and 430 (4.1).
4. Data at the police service level is available on CANSIM (table 252-0091) and upon request.
5. This analysis includes crimes that have been confirmed to be or are strongly suspected to be motivated by hate (see Text box 1).
6. Percentages have been calculated excluding unknown motivations.
7. When a criminal incident is identified as being motivated by hate, a detailed motivation (e.g., hatred of a specific ethnicity or religion, etc.) is recorded based on the circumstances of the incident. It is worth noting that some groups may be targeted due to hatred of multiple factors (e.g., religion and race/ethnicity). Where a hate crime incident may involve more than one motivation, the incident is reported once by police and according to the primary motivation as determined by the circumstances of the incident (see Text box 2).
8. Information on violent and non-violent offences is based on those incidents for which incident characteristics were reported and reflects data reported by police services covering 86% of the population of Canada (84% of all hate crimes). Information on some incident characteristics as well as the characteristics of victims and accused was not available for municipal police services in Toronto, Calgary, Québec and Saint John.
9. A census metropolitan area (CMA) consists of one or more neighbouring municipalities situated around a major urban core. A CMA must have a total population of at least 100,000, of which 50,000 or more live in the urban core. To be included in the CMA, other adjacent municipalities must have a high degree of integration with the central urban core, as measured by commuting flows derived from census data. A CMA typically comprises more than one police service. CMA populations have been adjusted to follow policing boundaries. The Oshawa CMA is excluded from this analysis owing to the incongruity between the police service jurisdictional boundaries and the CMA boundaries. In 2013, coverage for each CMA was virtually 100%, except in Saskatoon (99%), Thunder Bay (98%), Brantford (95%), Windsor (91%), Toronto (91%), and Hamilton (74%).
10. The 10 largest CMAs in 2013 were, in order of size, Toronto, Montréal, Vancouver, Calgary, Edmonton, Ottawa–Gatineau (Ontario part), Winnipeg, Québec, Hamilton, and Kitchener–Cambridge–Waterloo. Population information on CMAs has been adjusted to reflect policing boundaries.
11. It should be noted that the hate crime rate in Hamilton is based on 74% of the population of the Hamilton census metropolitan area (CMA) as it excludes information from the Halton Regional Police Service that polices part of the Hamilton CMA.
12. This section looks at the characteristics of victims, not at the characteristics of incidents. Information on victims is limited to violent offences and reflects data reported by police services covering 86% of the population of Canada. It does not include municipal police services in Toronto, Calgary, Québec and Saint John reporting to the UCR2.2 Supplemental Survey. In 2013, information on 412 victims was reported in 336 violent hate crime incidents. In 16% of hate crime incidents involving victims, more than one victim was identified.
13. Includes incidents that did not involve the use of a weapon or physical force, such as threats.
14. This section looks at the characteristics of accused individuals, not of the incidents. Information on accused reflects data reported by police services covering 86% of the population of Canada. It does not include municipal police services in Toronto, Calgary, Québec and Saint John reporting to the UCR2.2 Supplemental Survey. In 2013, there was information on 346 accused individuals associated with 277 incidents. This included 3 accused under age 12 who cannot be charged with an offence under the *Criminal Code*. In 14% of these incidents, more than one accused was identified.
15. Categories in the Statistics Canada Visible minority variable include South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, Japanese and Visible minority 'not included elsewhere' (n.i.e.).
16. See Note 1.
17. Percentages have been calculated excluding unknown motivations.
18. Such as Chinese, Filipino, Indonesian, Japanese, Korean, or Vietnamese.
19. Such as East Indian, Pakistani or Sri Lankan.
20. Such as Afghan, Egyptian, Iranian, Iraqi, Israeli, Lebanese, or Saudi Arabian.



21. These specific rates are not comparable to the overall hate crime rate for Canada which is calculated as the number of hate crimes per 100,000 population. Rates are provided where population information from the 2011 NHS is available.
22. Because population information is based on the 2011 National Household Survey, rates may be influenced where population changes between 2011 and 2013 differ for different groups.
23. NHS population counts used for this rate include Chinese, Filipino, Japanese, Korean and Southeast Asian populations.
24. This information is based on hate crimes reported from 2010 to 2013. It is important to note that most of the incidents for this four-year period were reported in 2012 and 2013. The increase in these two years is partly due to improved reporting in Thunder Bay.
25. In the context of this analysis, it is important to note that some individuals may not be visible minorities, but may still be visibly identifiable as members of a specific religious group. The *Employment Equity Act* defines visible minorities as 'persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour.' Categories in the Statistics Canada Visible minority variable include South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, Japanese, and Visible minority not included elsewhere (n.i.e.):
26. Information on hate mischief is based on those incidents for which incident characteristics were reported and reflects data reported by police services covering 86% of the population of Canada (83% of all hate crimes). Information on some incident characteristics as well as the characteristics of victims and accused was not available for police services in Toronto, Calgary, Québec and Saint John.
27. The National Council of Canadian Muslims tracks hate incidents against Muslims as reported to them or in the press.
28. Information on violent and non-violent offences is based on those incidents for which incident characteristics were reported and reflects data reported by police services covering 86% of the population of Canada (84% of all hate crimes). Information on offences was not available for police services in Toronto, Calgary, Québec and Saint John.

## Detailed data tables

Table 1  
Police-reported hate crimes, by type of motivation, 2012 and 2013

Type of motivation	2012		2013	
	number	percent	number	percent
Race or ethnicity	704	51	585	51
Religion	419	30	326	28
Sexual orientation	185	13	186	16
Language	13	1	15	1
Sex	10	1	9	1
Disability	8	1	6	1
Age	4	0 <sup>s</sup>	3	0 <sup>s</sup>
Other <sup>1</sup>	47	3	27	2
Unknown	24	...	10	...
<b>Total</b>	<b>1,414</b>	<b>100</b>	<b>1,167</b>	<b>100</b>

... not applicable

0<sup>s</sup> value rounded to 0 (zero) where there is a meaningful distinction between true zero and the value that was rounded

1. Includes other similar factors (e.g. occupation or political beliefs).

**Note:** Information in this table reflects data reported by police services covering 99% of the population of Canada. Percentages may not add to 100% due to rounding.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey.

Table 2  
Police-reported hate crimes, by most serious violation, Canada, 2013

Most serious violation	Race/ethnicity	Religion	Sexual orientation	Other <sup>1</sup>	Total
	percent				
<b>Non-violent</b>	<b>56</b>	<b>82</b>	<b>34</b>	<b>52</b>	<b>60</b>
Mischief in relation to religious property <sup>2</sup>	0	17	0	0	4
Other mischief	48	55	29	20	45
Public incitement of hatred <sup>2</sup>	2	4	0	24	4
Other non-violent offences <sup>3</sup>	6	7	5	8	6
<b>Violent</b>	<b>44</b>	<b>18</b>	<b>66</b>	<b>48</b>	<b>40</b>
<b>Total assault</b>	<b>25</b>	<b>7</b>	<b>32</b>	<b>22</b>	<b>21</b>
Common assault (Level 1)	19	4	23	14	15
Assault with a weapon or causing bodily harm (Level 2)	5	2	8	6	5
Aggravated assault (Level 3)	0 <sup>s</sup>	0	1	2	0 <sup>s</sup>
Other assault	1	1	0	0	1
Uttering threats	12	5	18	16	11
Criminal harassment	5	2	11	4	5
Other violent offences <sup>4</sup>	2	4	5	6	3
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

0<sup>s</sup> value rounded to 0 (zero) where there is a meaningful distinction between true zero and the value that was rounded

1. Includes mental or physical disability, language, sex and other similar factors (e.g. occupation or political beliefs).

2. These offences are by definition hate crimes. The other listed offences are general *Criminal Code* offences, such as assault, uttering threats, etc., motivated by hate.

3. Other non-violent offences include crimes against property or other non-violent criminal violations.

4. Other violent offences include other crimes against persons involving violence or threat of violence such as robbery or harassing telephone calls.

**Note:** Information in this table reflects data from municipal and provincial police services as well as the Royal Canadian Mounted Police (RCMP) covering 86% of the Canadian population. As such, this table excludes a small number of police services that do not report to the UCR2.2 Survey, among which are the municipal police services for Toronto, Calgary and Quebec. However, it does include any counts that occurred within the jurisdiction of police services not reporting to UCR2.2, but that were investigated by other police services that do report, such as the Royal Canadian Mounted Police, the Ontario Provincial Police, or the Sûreté du Québec. Percentages may not add to 100% due to rounding. Total includes incidents where hate motivation was unknown.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey.

Table 3  
Police-reported hate crimes, by type of motivation, by province and territory, 2013

Province and territory	Race or ethnicity		Religion		Sexual orientation		Other <sup>1</sup>		Total	
	number	rate	number	rate	number	rate	number	rate	number	rate
Newfoundland and Labrador	0	0.0	1	0.2	1	0.2	0	0.0	2	0.4
Prince Edward Island	2	1.4	0	0.0	0	0.0	0	0.0	2	1.4
Nova Scotia	12	1.3	3	0.3	4	0.4	0	0.0	19	2.0
New Brunswick	7	0.9	6	0.8	5	0.7	3	0.4	21	2.8
Quebec	68	0.8	48	0.6	18	0.2	41	0.5	184	2.3
Ontario	304	2.3	198	1.5	88	0.7	10	0.1	600	4.5
Manitoba	17	1.4	7	0.6	1	0.1	1	0.1	26	2.1
Saskatchewan	11	1.0	1	0.1	3	0.3	0	0.0	16	1.5
Alberta	83	2.1	27	0.7	27	0.7	3	0.1	140	3.5
British Columbia	76	1.7	35	0.8	37	0.8	2	0.0	150	3.3
Yukon	0	0.0	0	0.0	1	2.7	0	0.0	1	2.7
Northwest Territories	5	11.5	0	0.0	1	2.3	0	0.0	6	13.8
Nunavut	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Canada</b>	<b>585</b>	<b>1.7</b>	<b>326</b>	<b>0.9</b>	<b>186</b>	<b>0.5</b>	<b>60</b>	<b>0.2</b>	<b>1,167</b>	<b>3.3</b>

1. Includes mental or physical disability, language, sex and other similar factors (e.g. occupation or political beliefs).

Note: Rates are calculated per 100,000 population. Populations are based on July 1 estimates from Statistics Canada, Demography Division. Information in this table reflects data reported by police services covering 99% of the population of Canada. Total includes incidents where hate motivation was unknown.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey.

Table 4  
Number and rate of police-reported hate crimes, by census metropolitan area, 2012 and 2013

Census metropolitan area <sup>1</sup>	2012	2013	2012	2013
	number		rate per 100,000 population	
Abbotsford–Mission	12	4	6.7	2.3
Barrie	6	1	3.0	0.5
Brantford	4	2	3.0	1.5
Calgary	64	60	4.9	4.4
Edmonton	34	48	2.8	3.7
Gatineau <sup>2</sup>	15	5	4.7	1.5
Greater Sudbury	3	1	1.8	0.6
Guelph	5	8	3.9	6.2
Halifax	17	12	4.1	2.9
Hamilton <sup>3</sup>	126	95	23.2	17.4
Kelowna	3	3	1.7	1.6
Kingston	14	6	8.6	3.7
Kitchener–Cambridge–Waterloo	30	13	5.6	2.4
London	28	27	5.6	5.4
Moncton	10	10	7.1	7.0
Montréal	95	119	2.4	3.0
Ottawa <sup>4</sup>	100	64	10.5	6.6
Peterborough	16	8	13.2	6.6
Québec	28	19	3.7	2.4
Regina	5	6	2.2	2.6
Saguenay	1	4	0.7	2.4
Saint John	1	0	0.7	0.0
Saskatoon	4	2	1.4	0.7
Sherbrooke	11	10	5.7	5.1
St. Catharines–Niagara	13	9	2.9	2.0
St. John's	3	1	1.6	0.5
Thunder Bay	20	25	16.6	20.9
Toronto <sup>5</sup>	277	265	5.2	4.9
Trois-Rivières	1	2	0.7	1.3
Vancouver	123	121	5.0	5.0
Victoria	24	7	6.6	2.0
Windsor	14	10	4.6	3.3
Winnipeg	17	20	2.1	2.5
<b>Total CMA<sup>6</sup></b>	<b>1,155</b>	<b>1,012</b>	<b>4.8</b>	<b>4.1</b>
<b>Total non-CMA</b>	<b>259</b>	<b>155</b>	<b>2.5</b>	<b>1.5</b>
<b>Canada</b>	<b>1,414</b>	<b>1,167</b>	<b>4.1</b>	<b>3.3</b>

1. A census metropolitan area (CMA) consists of one or more neighbouring municipalities situated around a major urban core. A CMA must have a total population of at least 100,000 of which 50,000 or more live in the urban core. To be included in the CMA, other adjacent municipalities must have a high degree of integration with the central urban core, as measured by commuting flows derived from census data. A CMA typically comprises more than one police service. CMA populations have been adjusted to follow policing boundaries. The Oshawa CMA is excluded from this table due to the incongruity between the police service jurisdictional boundaries and the CMA boundaries. In 2013, coverage for each CMA was virtually 100%, with the exception of Saskatoon (99%), Thunder Bay (98%), Brantford (95%), Windsor (91%), Toronto (91%), and Hamilton (74%).

2. Gatineau refers to the Quebec part of the Ottawa–Gatineau CMA.

3. Excludes the portion of Halton Regional Police Service that polices the Hamilton CMA.

4. Ottawa refers to the Ontario part of the Ottawa–Gatineau CMA.

5. Excludes the portions of Halton Regional Police Service and Durham Regional Police Service that police the Toronto CMA.

6. Includes Halton Regional Police Service and Durham Regional Police Service. May include a small number of offences that occurred outside of a CMA, as 6% of the population policed by Durham Regional Police Service falls outside the boundaries of a CMA.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey.

Table 5  
Characteristics of hate crime victims, Canada, 2013

Characteristic	Race or ethnicity	Religion	Sexual orientation	Other <sup>1</sup>	Total
	percent				
<b>Sex<sup>2</sup></b>					
Male	70	47	81	55	69
Female	30	53	19	45	31
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Age<sup>3</sup></b>					
Under 18 years	12	13	12	7	12
18 to 24 years	21	10	22	7	19
25 to 34 years	25	10	22	25	23
35 to 44 years	19	31	20	18	20
45 to 54 years	13	23	16	18	15
55 years and older	10	13	7	25	11
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Relationship to accused<sup>4</sup></b>					
Stranger	65	61	60	55	63
Acquaintance or family member <sup>5</sup>	35	39	40	45	37
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Injuries<sup>6</sup></b>					
No injury or not applicable <sup>7</sup>	68	92	54	72	68
Minor physical injury	28	6	44	21	28
Major physical injury	4	2	2	7	4
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

1. Includes mental or physical disability, language, sex and other similar factors (e.g. occupation or political beliefs).

2. Excludes victims where sex is unknown.

3. Excludes victims where age is unknown or over 89.

4. Excludes victims where relationship to accused is unknown.

5. Includes casual acquaintances, neighbours, business relationships, exboy/girlfriends, friends, and other non-family acquaintances as well as members of immediate family or extended family.

6. Excludes victims where injuries are unknown.

7. Not applicable refers to incidents which did not involve the use of a weapon or physical force.

**Note:** Information in this table reflects data from municipal and provincial police services as well as the Royal Canadian Mounted Police (RCMP) covering 86% of the Canadian population. As such, this table excludes a small number of police services that do not report to the UCR2.2 Survey, among which are the municipal police services for Toronto, Calgary and Quebec. However, it does include any counts that occurred within the jurisdiction of police services not reporting to UCR2.2, but that were investigated by other police services that do report, such as the Royal Canadian Mounted Police, the Ontario Provincial Police, or the Sûreté du Québec. Information on victims is limited to incidents involving violent offences. Percentages may not add to 100% due to rounding. Total includes information for incidents where hate crime motivation is unknown. In 2013, information on 412 victims was reported in 336 violent hate crime incidents. In 16% of hate crime incidents involving victims, more than one victim was identified.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey.

Table 6  
 Characteristics of persons accused of hate crimes, Canada, 2013

Characteristic	Race or ethnicity	Religion	Sexual orientation percent	Other <sup>1</sup>	Total
<b>Sex<sup>2</sup></b>					
Male	75	88	94	79	81
Female	25	12	6	21	19
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Age<sup>3</sup></b>					
Under 12	2	0	0	0	1
12 to 17 years	29	26	22	8	25
18 to 24 years	21	8	26	33	22
25 to 34 years	14	16	9	4	12
35 to 44 years	10	16	9	25	11
45 to 54 years	17	14	30	21	19
55 years and older	8	20	4	8	9
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

1. Includes mental or physical disability, language, sex and other similar factors (e.g. occupation or political beliefs).

2. Excludes accused where sex is unknown.

3. Excludes accused where age is unknown or over 89. It should be noted that children under the age of 12 cannot be charged with a criminal offence.

**Note:** Information in this table reflects data from municipal and provincial police services as well as the Royal Canadian Mounted Police (RCMP) covering 86% of the Canadian population. As such, this table excludes a small number of police services that do not report to the UCR2.2 Survey, among which are the municipal police services for Toronto, Calgary and Quebec. However, it does include any counts that occurred within the jurisdiction of police services not reporting to UCR2.2, but that were investigated by other police services that do report, such as the Royal Canadian Mounted Police, the Ontario Provincial Police, or the Sûreté du Québec. Percentages do not always add to 100% due to rounding. Total includes information for incidents where hate crime motivation is unknown. In 2013, there was information on 346 accused individuals associated with 277 incidents. This included 3 accused under age 12 who cannot be charged with an offence under the *Criminal Code*. In 14% of these incidents, more than one accused was identified.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey.

Table 7  
Police-reported hate crimes, by detailed motivation, Canada, 2012 and 2013

Detailed motivation	2012		2013	
	number	percent	number	percent
<b>Race/ethnicity</b>	<b>704</b>	<b>51</b>	<b>585</b>	<b>51</b>
Black	295	21	255	22
East and Southeast Asian	50	4	61	5
South Asian	55	4	52	4
Arab/West Asian	64	5	48	4
Aboriginal	33	2	32	3
White	20	1	29	3
Other <sup>1</sup>	156	11	93	8
Race not specified	31	2	15	1
<b>Religion</b>	<b>419</b>	<b>30</b>	<b>326</b>	<b>28</b>
Jewish	242	17	181	16
Muslim	45	3	65	6
Catholic	37	3	29	3
Other <sup>2</sup>	54	4	41	4
Religion not specified	41	3	10	1
Sexual Orientation	185	13	186	16
Other <sup>3</sup>	82	6	60	5
Unknown	24	...	10	...
<b>Total</b>	<b>1,414</b>	<b>100</b>	<b>1,167</b>	<b>100</b>

... not applicable

1. Includes motivations based upon race or ethnicity not otherwise stated (e.g. Latin American, South American) as well as hate crimes which target more than one race or ethnic group.

2. Includes motivations based upon religions not otherwise stated (e.g. Sikh, Hindu, Buddhist).

3. Includes mental or physical disability, language, sex and other similar factors (e.g. occupation or political beliefs).

**Note:** Information in this table reflects data reported by police services covering 99% of the population of Canada. Percentages may not add to 100% due to rounding.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey.






Department of Justice  
Canada

Ministère de la Justice  
Canada

FOR INFORMATION  
NUMÉRO DU DOSSIER/FILE #: 2016-014701  
COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: Protected B

TITRE/TITLE:  Instructions to Appeal to the Federal Court of Appeal  
Based on Jurisdictional Error

SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY

s.23

Soumis par (secteur)/Submitted by (Sector): Public Safety, Defence and Immigration  
Responsable dans l'équipe du SM/Lead in the DM Team: Caroline Leclerc  
Revue dans l'ULM par/Edited in the MLU by: Stephanie Matte

Soumis au CM/Submitted to MO: August 3, 2016

**Pages 42 to / à 55  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**23**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 56 to / à 58**  
**are withheld pursuant to section**  
**sont retenues en vertu de l'article**

**69(1)(e)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**



FOR APPROVAL

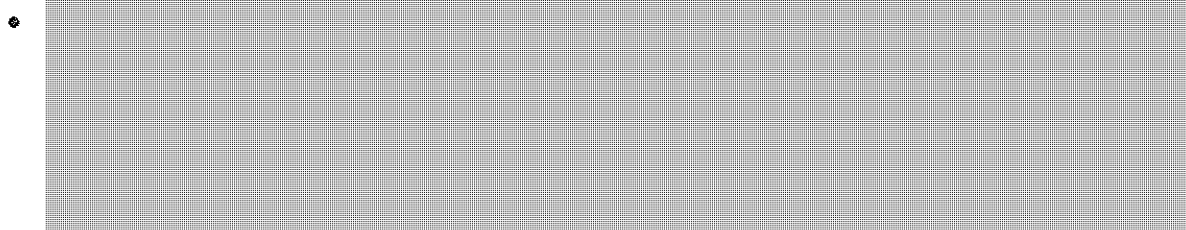
NUMERO DU DOSSIER/FILE #: 2016-015719

COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: Protected B

**TITRE/TITLE: Extension of the *Access to Information Act* to Administrative Bodies that Support the Federal Courts**

**SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY**

- Your mandate letter requests that you work with the President of the Treasury Board in his review of the Access to Information Act (ATIA). One of the Government's commitments is to ensure that the ATIA applies appropriately to administrative bodies that support the courts.



s.21(1)(a)

s.21(1)(b)

- The Government has committed to proceed with ATIA reform in two phases. The House of Commons Standing Committee on Access to Information, Privacy and Ethics echoed the Information Commissioner of Canada's support for the Government's announcement that the ATIA would be applied to courts administration bodies in Phase I of the reforms. The Privacy Commissioner, in contrast, has recommended that this reform be considered in Phase II as there are significant constitutional issues at play.



Approbation/signature de la ministre demandée pour le/Minister's signature/approval requested by:

**August 5, 2016**

Soumis par (secteur)/Submitted by:

Public Law and Legislative Services Sector

Responsable dans l'équipe du SM/Lead in the DM Team:

Claudine Patry

Revue dans l'ULM par/Edited in the MLU by:

Sarah McCulloch

Soumis au CM/Submitted to MO: 2 August 2016



Protected B  
FOR APPROVAL

2016-015719

## MEMORANDUM FOR THE MINISTER

### Extension of the *Access to Information Act* to Administrative Bodies that Support the Federal Courts

#### ISSUE

This note seeks your concurrence on the recommendation that you engage directly with the federal Chief Justices on how to advance the review of the *Access to Information Act* (ATIA), and provides advice about this Government priority.

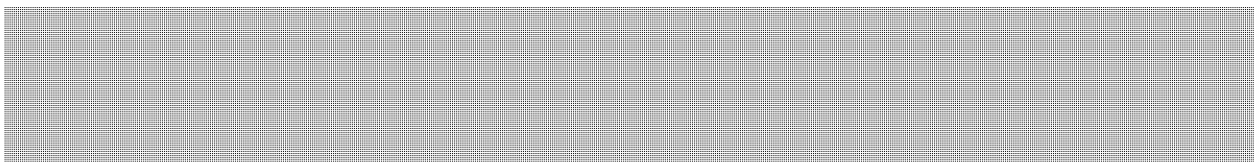
Your mandate letter requests that you work with the President of the Treasury Board in his review of the ATIA. One of the Government's commitments is to ensure that the ATIA applies appropriately to administrative bodies that support the courts.

#### BACKGROUND

The President of the Treasury Board explained to the House of Commons Standing Committee on Access to Information, Privacy and Ethics (ETHI) that the Government intends to proceed with ATIA reform in two phases. Phase I will involve an initial set of amendments, and policy measures largely focussing on the Government's current commitments, whereas Phase II could involve a broader set of reforms after further study.

ETHI's report endorsed the recommendation of the Information Commissioner of Canada (Commissioner) that Phase I should include the extension of the ATIA to administrative bodies that support the courts. In her March 2015 Special Report to Parliament, the Commissioner urged that the ATIA be extended to the Office of the Registrar of the Supreme Court of Canada (ORSCC), the Courts Administration Service (CAS), the Office of the Commissioner for Federal Judicial Affairs (CFJA) and the Canadian Judicial Council (CJC).

After ETHI tabled its report, the Privacy Commissioner of Canada replied to the Government's invitation for comments on its proposals. The Privacy Commissioner disagreed with ETHI and the Commissioner, taking the position that neither the ATIA nor the *Privacy Act* should be applied to courts administration bodies in Phase I, since there are constitutional questions at play that require additional examination. Attached at Annex 1 is a copy of the non-Parliamentary submissions by the Office of the Privacy Commissioner on privacy issues.



s.21(1)(a)  
s.21(1)(b)

**Page 61**

**is withheld pursuant to sections  
est retenue en vertu des articles**

**21(1)(a), 21(1)(b), 69(1)(g) re (a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 62 to / à 64  
are withheld pursuant to sections  
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**21(1)(a), 21(1)(b), 23**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Page 65**

**is withheld pursuant to sections  
est retenue en vertu des articles**

**21(1)(a), 21(1)(b), 69(1)(g) re (a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



s.21(1)(a)

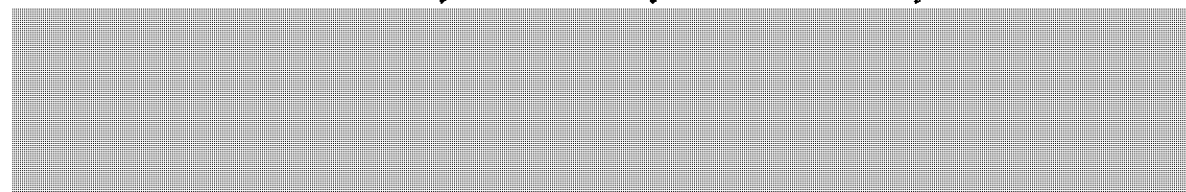
s.21(1)(b)

## RECOMMENDATION



## ANNEXES

Annex 1: Non-Parliamentary Submissions by the OPC on Privacy Issues



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☐ **I CONCUR.**

☐ **I DO NOT CONCUR.**

☐ **OTHER INSTRUCTIONS:**

\_\_\_\_\_

\_\_\_\_\_  
The Honourable Jody Wilson-Raybould

\_\_\_\_\_  
Date

# ANNEX 1

# Non-Parliamentary Submissions by the OPC on Privacy Issues

## Revitalizing access to information

### Submission to the Treasury Board of Canada Secretariat

June 30, 2016

Information and Privacy Policy Division  
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#### **Subject: Submission on Revitalizing access to information**

We would like to take this opportunity during the government's consultation of the federal Access to Information system and the state of the law to provide some thoughts on the intersection between facilitating information access while also upholding fundamental privacy protections. We strongly support the government's objective of greater openness and transparency and are pleased to participate in the deliberations on how best to achieve that important objective in the interest of Canadians we serve. We also note the active role taken by the House of Commons Standing Committee on Access to Information, Privacy and Ethics, which earlier in June issued findings and recommendations on improving Canada's access to information regime. <sup>1</sup>

By way of background, my mandate is to oversee compliance with both the *Privacy Act* (PA), which covers the personal information-handling practices of federal government departments and agencies, and the *Personal Information Protection and Electronic Documents Act* (PIPEDA), Canada's federal private-sector privacy law. The mission of my Office is to protect and promote the privacy rights of individuals.

As I have indicated on numerous occasions to Parliament, the *Access to Information Act* (ATIA) and PA are intended to work together as a seamless code. <sup>2</sup> The words of the Supreme Court of Canada are particularly apt on this point: "*The right of access to government information, while an important principle of our democratic system, cannot be read in isolation from an individual's right to privacy.*" <sup>3</sup> Given this, my view is that changes to one Act must necessarily take into account the other. In other words, the review of the two Acts should take place concurrently.

I fully agree with the Information Commissioner that legislative renewal is long overdue; in fact, review of both acts has become a matter of some urgency. However, the government has indicated its intention to proceed in two steps: early changes to the ATIA on selected issues, to be followed by a more systematic review of that Act in 2018. While we would prefer another approach, we take note of the government's intention, and we are hopeful that the longer term study will include the PA.

If the government's approach is maintained, we suggest setting aside those specific ATIA amendments that impact the scope of the personal information exemption or otherwise affect individuals' right to privacy until both Acts can be more carefully reviewed in tandem, not isolation. In that regard, I advocate not for delay, but rather underscore the importance of reforming the Acts in unison on issues that lie at the intersection of both.

What follows below are recommendations for certain areas of consultation where amendments to the ATIA would impact the PA either directly or indirectly, and by indirectly we mean changes to the ATIA that would likely result in parallel changes to the PA, for instance.

## Open Government

There are compelling reasons to move towards the "open by default" model for government records. It would facilitate access to information by taxpayers to whom governments are accountable, allow for informed decision-making by an engaged citizenry, support greater transparency and openness fundamental to a healthy democracy, as well as help alleviate stress on the over-burdened administrative system in place to process ATIA requests.

Similarly, providing access to one's personal information is a critical enabler of transparency and accountability. The purpose of the PA was to allow individuals to know how their personal information is used and shared with others. This was also to be a means to hold governments to account for administrative decisions made about individuals. Both ATIA and PA serve the ends of more open, transparent government.

In other words, at the conceptual level, more open, transparent government is an important policy objective. At the same time, personal information (both identifying an individual and cases where a person is identifiable) must also continue to be protected, particularly within an environment of open government. Access and privacy rights should be pursued as parallel goals, not separate streams, and while this can be challenging at times, we are confident these rights can be reconciled.

**Recommendation: We support the policy objectives of Open Government as well as the need to protect privacy.**

## Personal Information Exemption

By way of example, the exemption for personal information under the ATIA must be carefully thought through, given the current state of the law that recognizes "privacy is paramount over the right of access to information".<sup>4</sup> This is not to say that privacy is, or should be, an absolute override to access, but this weighting of the imperatives at play needs to be factored into decision-making. I believe the current override under subsection 8 (2)(m) of the *Privacy Act*, which permits disclosures made in the public interest, generally works well, with due consideration given to all relevant factors and with appropriate oversight by my office. Furthermore the dual objectives of providing access and protecting privacy are carefully balanced under the current exemption by allowing access if personal information can be severed from the records.

The Office of the Information Commissioner of Canada (OIC) has suggested adopting a model similar to that found in several provinces that take another approach to balancing privacy and access that arguably reverses the onus and changes the threshold for public interest disclosure. We would note that in the recently completed review of the ATIA by the

House Standing Committee on Ethics, Privacy and Access to Information, privacy implications were not fully examined. <sup>5</sup> While the OIC perspective merits consideration, this should not be done in isolation. Rather, it should be part of a wider, more holistic review, encompassing both Acts and their underlying policy aims.

However, if the government wishes to adopt the provincial model of a public interest override instead of the current federal law, we suggest that the interests of the affected individual should be protected by giving that individual the opportunity to intervene before their personal information is disclosed. This right of intervention would be similar to the right given to third parties in respect of confidential information under subsection 20(1) of the current ATIA.

**Recommendation: The current ATIA exemption for personal information and the public interest override provisions of the PA should remain in place until an in-depth study of both Acts would determine whether to maintain or change the balance struck by Parliament when it adopted both Acts as a "seamless code".**

## Order-making power

Like the OIC, we think the current ombudsman model is inefficient and under challenge. In that regard, we do not favour the status quo. Order-making is certainly one solution deserving of consideration, but it is not the only possibility. In our submissions to the House Standing Committee on Ethics, Privacy and Access to Information, we have stated that the order-making model may carry certain legal risks, that the Newfoundland and Labrador model also deserves consideration and that we would make final recommendations following a careful study of potential options. We plan to make these recommendations early this fall.

Allowing the Information Commissioner, who at the federal level has the primary mandate to promote access, to order disclosure of personal information would effectively reverse two principles of the current law. First, that considerations of privacy are paramount over access, and second that the Privacy Commissioner has exclusive jurisdiction over privacy protection. <sup>6</sup> While the OIC recommendations deserve all due consideration, they cannot be properly assessed or adopted in a silo, absent a concurrent review of the PA and the ATIA. The substantive provisions and the role of Commissioners should be considered together.

**Recommendation: Allowing the Information Commissioner to order disclosure of personal information should not be adopted absent a concurrent review of the PA and the ATIA.**

## Cabinet override on orders

Should an order-making model ultimately be adopted, we would favor in this model a process for judicial review rather than ministerial veto. Such an avenue would permit the government to raise objections against release, but allow also for other arguments from the parties involved, with an independent, impartial court providing the ultimate decision. We recognize that the government may wish to give enhanced protection to information of a national security nature, and the *Canada Evidence Act* could offer potential solutions in this regard.

**Recommendation: Should an order-making model ultimately be adopted, we would favor in this model a process for judicial review rather than ministerial veto.**

## **Provide requestors with an explanation when information cannot be released**

In principle we support the provision of reasons where access is denied. A rationale for such decisions is generally required under administrative law and this clarity would ultimately strengthen access provisions. At the same time, the way exceptions under the PA are presented currently are often self-explanatory and individuals receive a list of exceptions applied to their request as well as additional information on the exercise of discretion. Given that, in practice, reasons are generally self-evident and, given the operational cost of having to provide reasons in all cases, we think it may be prudent to require disclosure of reasons only upon request of individuals.

**Recommendation: Both Acts should be amended to provide for the right to reasons, upon request.**

## **Frivolous or vexatious complaints**

Our Office also has had some experience with frivolous and vexatious complaints, both under the PA and PIPEDA. Such complaints affect our ability to manage caseloads better and to focus on issues that affect broader concerns. We appreciate that discretion could be seen by some as limiting access. However, some careful exercise of discretion may actually be necessary in order to properly manage limited resources in a way that maximizes the meaningful promotion of rights.

We take no position on the granting of the OIC this discretion. For our part, we certainly would appreciate reform that would allow us to better manage our own caseload. However, we believe the question in the *Privacy Act* context deserves careful analysis, with particular consideration of the broader discretionary powers under PIPEDA. We believe that the comprehensive review is the best time to consider these issues for the purpose of the PA.

**Pages 72 to / à 92  
are withheld pursuant to sections  
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**21(1)(a), 21(1)(b)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 93 to / à 104  
are withheld pursuant to section  
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**69(1)(e)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



s.23



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Ministère de la Justice  
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FOR INFORMATION

NUMÉRO DU DOSSIER/FILE #: 2016-017839

COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: Protected B

**TITRE/TITLE:** *Almaki, Elmaati and Nureddin v. Her Majesty the Queen – Update*

**SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY**

- [Redacted]

s.69(1)(g) re (d)

- [Redacted]
- [Redacted]

- [Redacted]

s.69(1)(g) re (e)

- [Redacted]

Soumis par (secteur)/Submitted by (Sector):

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Soumis au CM/Submitted to MO: August 23, 2016

s.23



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Canada

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2016-017839

## MEMORANDUM FOR THE MINISTER

*Almaki, Elmaati and Nureddin v Her Majesty the Queen – Update*

### ISSUE

[REDACTED]

### BACKGROUND

[REDACTED]

[REDACTED]

### DISCUSSION

s.69(1)(g) re (d)

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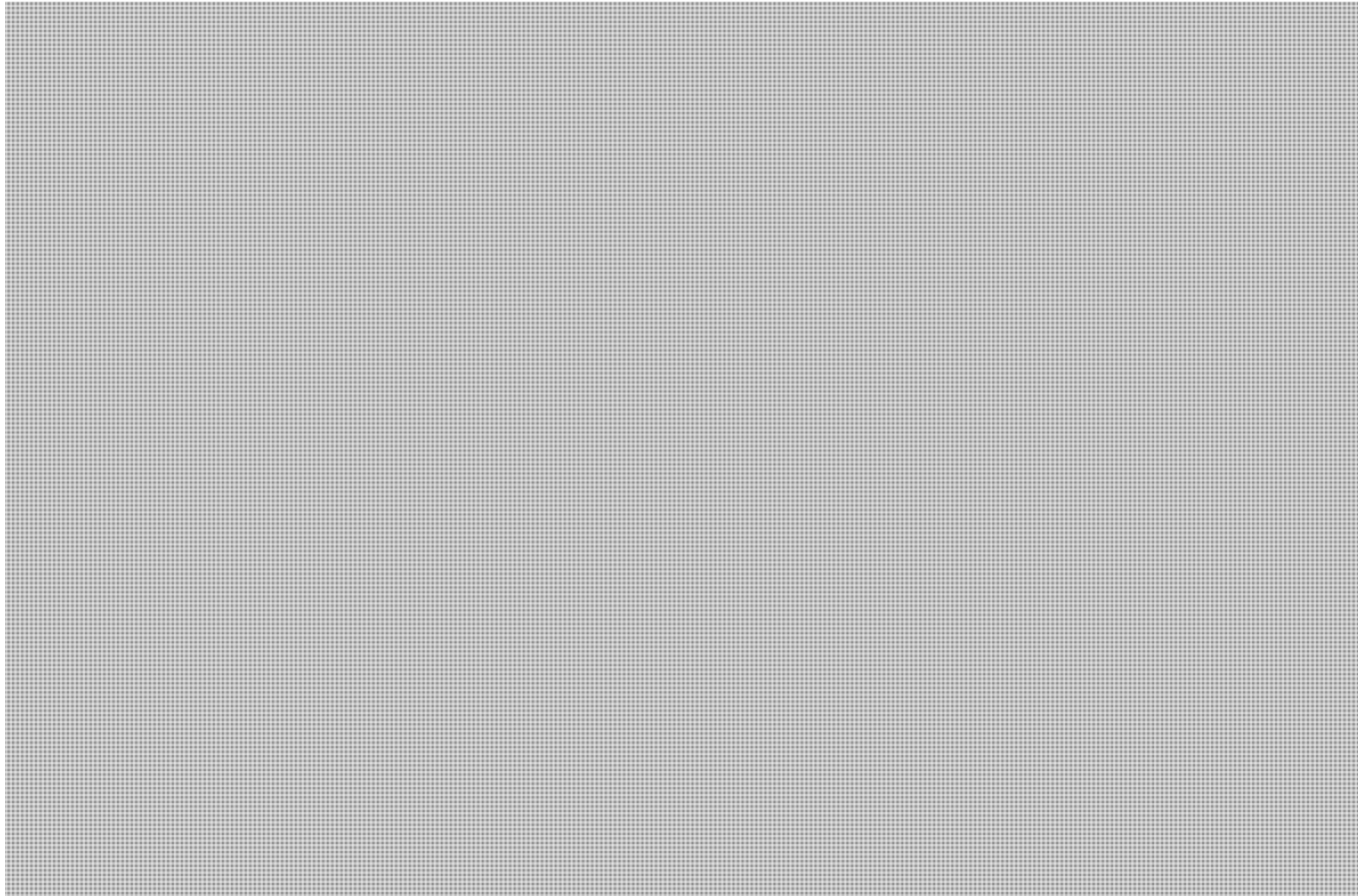
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s.69(1)(g) re (d)

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[REDACTED]

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*Current Status and Potential Next Steps*



s.69(1)(g) re (e)

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Department of Justice  
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FOR INFORMATION

NUMERO DU DOSSIER/FILE #: 2016-017997

COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: Protected B

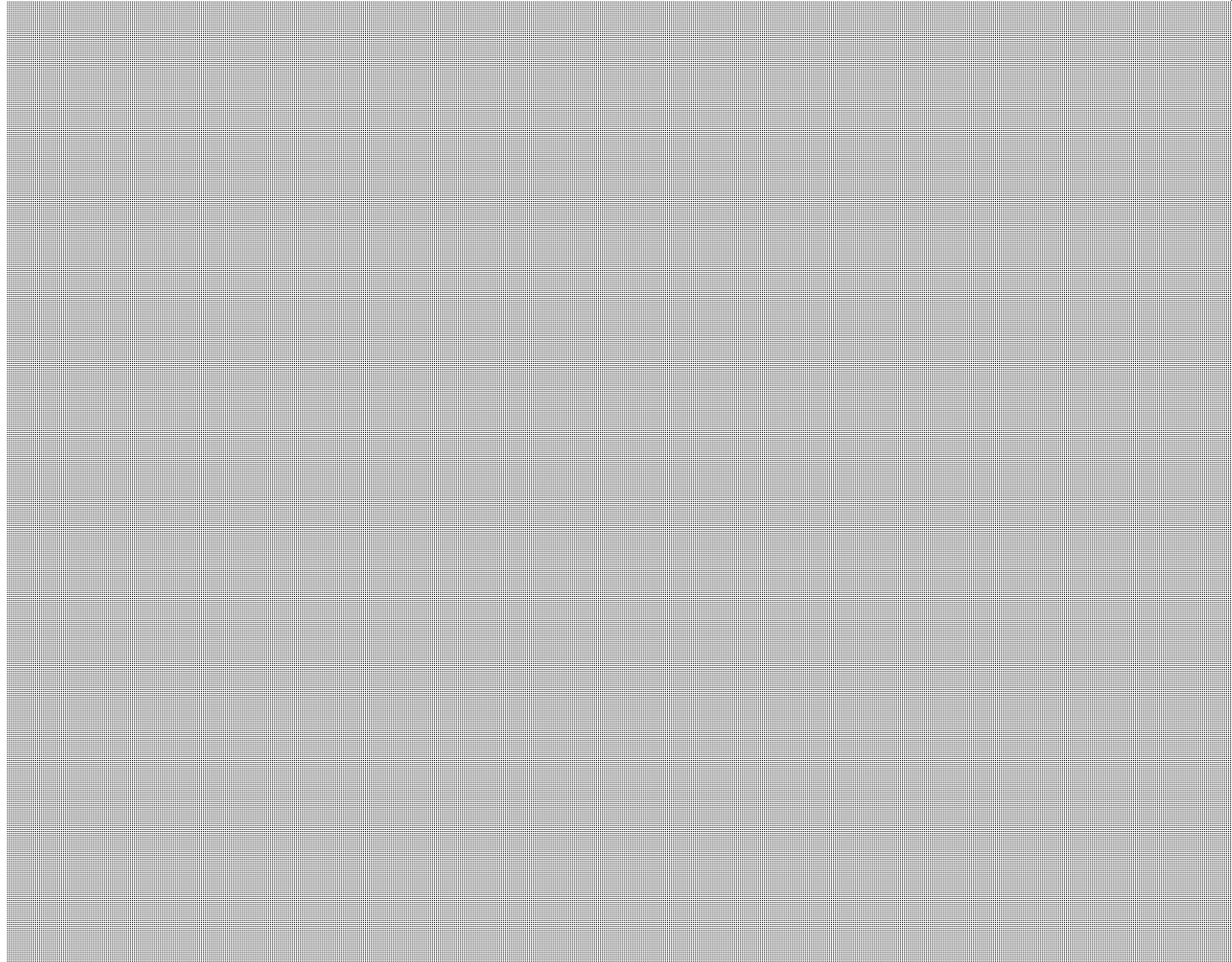
s.21(1)(a)

s.21(1)(b)

s.23

**TITRE/TITLE: Terrorism Peace Bonds**

**SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY**



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Department of Justice  
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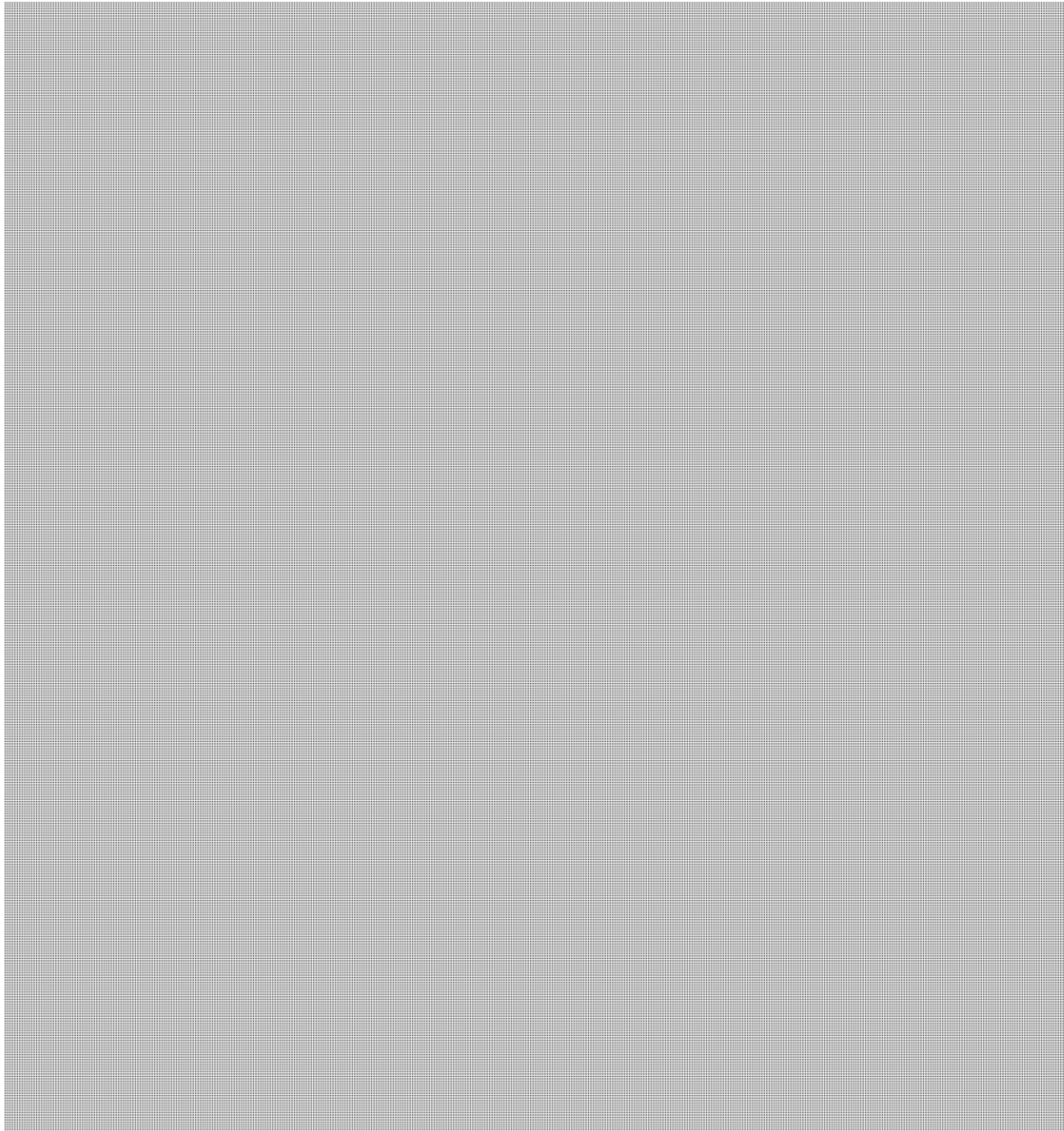
## MEMORANDUM FOR THE MINISTER

### Terrorism Peace Bonds

s.21(1)(a)

s.21(1)(b)

s.23



**Pages 110 to / à 111  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(a), 21(1)(b), 23**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



ANNEXES



s.21(1)(a)

s.21(1)(b)

s.23

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**Pages 113 to / à 136  
are withheld pursuant to section  
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**23**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**





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Canada

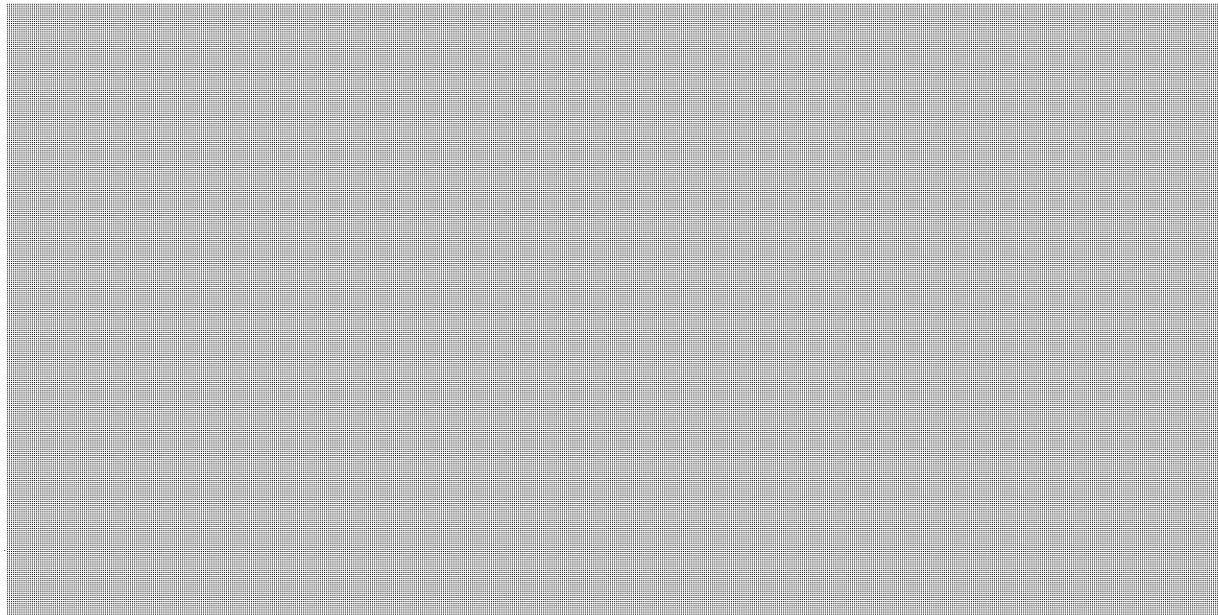
Ministère de la Justice  
Canada

FOR INFORMATION  
NUMERO DU DOSSIER/FILE #: 2016-018305  
COTE DE SECURITE/SECURITY CLASSIFICATION: Solicitor-Client Privilege

**TITRE/TITLE: HIV Criminalization**

**s.21(1)(a)**  
**s.21(1)(b)**  
**s.23**

**SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY**



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Soumis au CM/Submitted to MO: August 30, 2016



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s.21(1)(b)

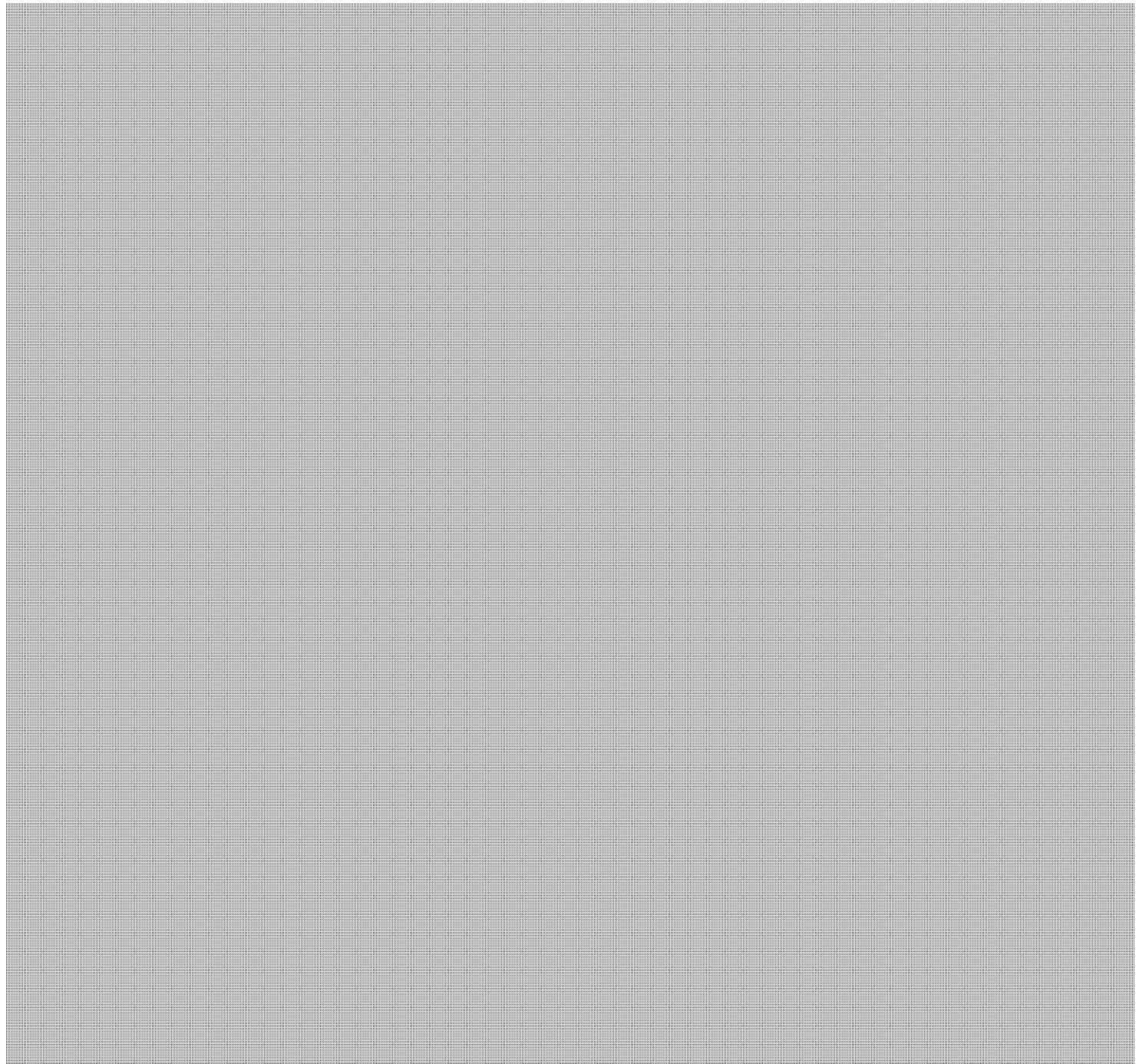
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Solicitor-Client Privilege  
FOR INFORMATION

2016-018305

## MEMORANDUM FOR THE MINISTER

### HIV Criminalization



**Page 139**

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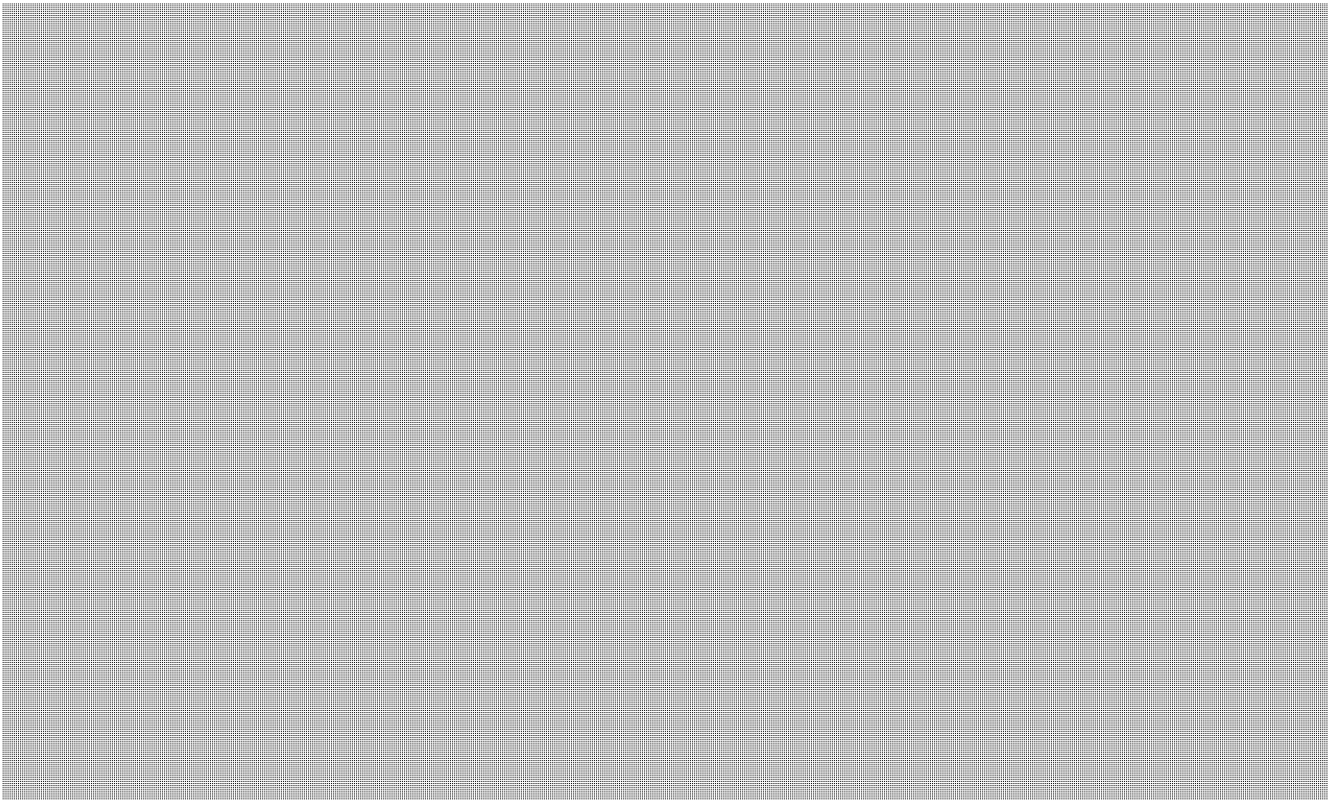
**21(1)(a), 21(1)(b), 23**

**of the Access to Information Act  
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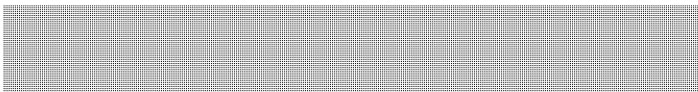
s.21(1)(a)

s.21(1)(b)

s.23



**ANNEXES**



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**Pages 141 to / à 144  
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